United Nations CRC/C/SR.2134

Convention on the Rights of the Child

Distr.: General
19 September 2016

Original: English

Committee on the Rights of the Child
Seventy-third session

Summary record of the 2134th meeting
Held at the Palais Wilson, Geneva, on Tuesday, 13 September 2016, at 3 p.m.

Chair: Mr. Mezmur

Contents

Consideration of reports of States parties

Combined initial to sixth periodic reports of Nauru

This record is subject to correction.

Corrections should be submitted in one of the working languages of the United Nations. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of the present document* to the English Translation Section, room E.6040, Palais des Nat.ons, Geneva (trad_sec_eng@unog.ch).

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.16-15897 (E) 160916 190916

1615897

Please recycle

The meeting was called to order at 3 p.m.

Consideration of reports of States parties

Combined initial to sixth periodic reports of Nauru (CRC/C/NRU/1-6, CRC/C/NRU/Q/1)

1. *At the invitation of the Chair, the delegation of Nauru took places at the Committee table.*

2. **Ms. Scotty** (Nauru), introducing the combined initial to sixth periodic reports of Nauru (CRC/C/NRU/1-6), said that Nauru was one of the world's smallest independent, democratic States. The population had twice been reduced to fewer than 1,000 people. Thus, Nauruans had experienced the struggle of having to rebuild their homes, communities and nation with a small population.

3. According to the 2011 census, the total population was 10,084, which represented a 9 per cent increase compared with 2006. Of that population, about 4,000 were below 15 years of age, and 1,948 were between 15 and 24 years of age.

4. In partnership with the United Nations Children's Fund (UNICEF), her Government had completed a review of the child protection system in the country. That review had included an analysis of informal care practices as well as formal protection strategies, and it had encompassed all children in Nauru, including refugee and asylum-seeking children.

5. The review had led to the adoption of specific legislation on the promotion and protection of children in Nauru, known as the Child Protection and Welfare Act 2016. The core principle that served as the basis for implementation of the Act was the supremacy of the safety, well-being and best interests of the child.

6. The Child Protection Services Division had been established within the Ministry of Home Affairs in 2015, with the aim of providing child protection services to all children in Nauru, including refugee and asylum-seeking children. Eight staff member positions had been budgeted for, and thus far four of those positions had been filled. The work of the Division was supported by the Domestic Violence Unit of the Nauru Police Force, which was mandated to investigate, report and respond to victims of domestic violence and child abuse. The Government provided full financial support to the Child Protection Services Division, and financial assistance was also provided by UNICEF.

7. There had been a number of significant achievements in the area of legislative reform, including the enactment of the Cybercrime Act 2015, the Adoption of Children (Amended) Act 2015, the Naoero Citizenship (Amendment) Act 2015, the Refugees Convention Act 2012 and the Interpretation Act 2011. Policies promoting the rights of children had been used to further promote the specific interests of girls and other vulnerable groups of children.

8. The courts had applied the principles of the Convention in their decisions and deliberations. The prosecution had invoked the State's obligations under the Convention in several cases involving the indecent treatment of girls and indecent assault. One of those cases had resulted in a landmark decision that had provided for harsher penalties in cases where the victim was a child. The courts had also developed a child-friendly court system.

9. A 24-hour hotline was in place to provide assistance and counselling to victims of abuse. The Child Protection Policy Practice and Reporting Procedure and the Nauru Child Protection Strategy had also been established and were being implemented. The country had seven community play centres, which provided early childhood education and activities for children under 4 years of age.

10. The Department of Multicultural Affairs was mandated to address issues concerning refugees and asylum seekers. Currently, there were 67 boy refugees, 67 girl refugees, 26 boys and 13 girls seeking asylum in Nauru. A number of private service providers played an important role in the provision of welfare services to refugees and asylum seekers in Nauru. The Government of Australia had also provided support by, inter alia, offering specific training on child protection.

11. As at 30 August 2016, there were a total of 141 school-age asylum-seeking and refugee children enrolled in local Nauruan schools. Her Government continued to work with all school-age children and their parents to support school attendance. There were 28 former unaccompanied minors and 1 current unaccompanied minor who had not yet reached 18 years of age.

12. The promotion and protection of the rights of children with disabilities fell under the mandate of the Department of Education. Children with disabilities were not integrated into mainstream education; the Able Disabled Centre catered to their educational needs. Inclusive education would be progressively introduced in the coming years.

13. As a small island nation, Nauru faced challenges with regard to human resource capacity, a lack of financial and technical support, and a lack of statistical data. A significant amount of health data had been lost in a hospital fire. The Bureau of Statistics was working closely with relevant government departments on the collection of statistical data relating to children. Her Government would do all it could to ensure that the definition of the child set out in national laws and policies was in line with the Convention. The Government would follow approved legal processes in dealing with alleged cases of abuse and ill-treatment of refugees in Nauru. Her Government had been focused, strategic and deliberate in its implementation of the Convention, and it was doing the best it could with the limited resources available.

14. **Mr. Nelson** (Country Rapporteur) said that he welcomed the adoption of new legislation establishing increased penalties for the sexual abuse of children and new measures to protect children. He asked whether the Crimes Act 2016 and the Child Protection and Welfare Act 2016 had both entered fully into force. He also asked whether the Government was establishing child protection police units to deal with sexual offences against children and whether the officers in those units would receive specialized training.

15. He wished to know the current status of the family protection bill, which included important provisions on domestic violence and protection orders for women and child victims. He asked whether there were any plans to review the Guardianship of Children Act 1975 and bring it into line with the Convention. Noting that the new Code of Criminal Procedure provided for the establishment of a public defence office, he asked when the public defender would be appointed and whether that office would provide free legal representation to children in conflict with the law. The legislative reform currently under way provided an opportunity to lay the groundwork for an effective data-collection system.

16. With regard to the current efforts to incorporate into the Constitution provisions guaranteeing children's rights, he asked how the current strategy was different from the one used during a previous attempt at constitutional reform, which had been rejected by voters. He wished to know whether any consultations were held with tribal groups or other sectors of society and whether children were being included in those consultations.

17. He asked whether there was a comprehensive strategy in place to promote and protect the rights of children, and whether there were any national mechanisms to coordinate activities relating to children. He wished to know which ministry was responsible for children's affairs. He asked what proportion of the budget was allocated to programmes for children in marginalized and vulnerable situations, particularly children with disabilities and refugee and asylum-seeking children. He would appreciate information

on the current status of the ongoing talks with the Government of Samoa on the establishment of a national human rights institution.

18. He asked how marginalized children were included in the Government's efforts to raise awareness about children's rights. Information about any training on the Convention offered to police officers, judicial officials, teachers or other professionals would be welcome. The delegation should comment on the reports about restrictions being placed on civil society organizations and journalists attempting to research issues involving children's rights. The Committee was concerned to hear that some international organizations had been subjected to intimidation.

19. Lastly, while welcoming the new legislation that increased the age of marriage to 18 years, he asked the delegation to confirm whether the 1957 law allowing girls to marry at 16 years of age had been modified or repealed.

20. **Mr. Gastaud** (Country Rapporteur), noting that nationality, ethnic origin and other grounds were omitted from the list of prohibited grounds for discrimination as set out in the Constitution, asked whether the State party intended to revise that provision. The Committee had received reports of discrimination against the Chinese minority, adolescent mothers, and children with disabilities. Discrimination was exacerbated in the case of refugee children, who in practice were virtually excluded from the education and health-care systems.

21. He requested further information about how the principle of the best interests of the child was enshrined in national law and how that provision was implemented. Noting that children were at risk of drowning and of being injured or killed in traffic accidents, he asked what the Government was doing to protect children's right to life and keep them safe. He asked whether there had been any further stocktaking of the National Sustainable Development Strategy since 2009. He wished to know what was being done to improve the quality of the soil, which had been degraded by phosphate mining, and to ensure the availability of safe drinking water, which was sometimes contaminated by salt water or asbestos.

22. He enquired what measures were being taken to ensure that children's views were respected, as it seemed that the concept was not well understood in the State party. He wished to know whether there were any forums for dialogue in which children in Nauru could participate.

23. He asked whether it was compulsory for parents to register a child's birth within the 21-day time limit and, if it was, whether the failure to do so entailed a risk of statelessness. It would be helpful to know whether children born to refugees and asylum seekers were covered by the same registration system. With regard to the protection of identity, more information on the process by which children acquired citizenship would be welcome, in particular in the light of the fact that, pursuant to a law of 2015, a person was eligible for Nauruan citizenship only if he or she had been born in Nauru and had lived there for 20 years. Was the right of the children of refugees and asylum seekers to nationality recognized?

24. He wished to know whether anyone had yet been prosecuted under the Cybercrime Act 2015. Freedom of expression was not enshrined in law and, to his knowledge, no media outlets catered specifically to young people. Access to the Internet, including social networks, remained very limited. More information on the protection of the freedom of association and peaceful assembly would be welcome.

25. He enquired whether the death penalty had been abolished as part of the revision of the Criminal Code. Although corporal punishment had been banned in schools, the Criminal Code did not explicitly ban it. He would like an update on the commitment that

Nauru had made in the framework of the universal periodic review in 2011 to adopt a specific law banning domestic violence. Could the delegation also comment on reports that domestic violence was widespread in detention centres for refugees and asylum seekers?

26. **Ms. Sandberg** asked whether child abuse and violence against children were to some extent tolerated or accepted in Nauru. Had they been criminalized? In that connection, it would be helpful to know what steps had been taken to change cultural attitudes. If, as was her understanding, the results of the child protection review had not yet been made public, could the delegation explain why? She wished to know what other measures had been taken to prevent child abuse and violence against children and provide support services for victims. Was there a round-the-clock helpline for children and, if so, had an appropriate follow-up procedure been put in place?

27. **The Chair** said that, although State party report indicated the number of Nauruans aged under 15 years and the number aged between 15 and 24 years, it would be helpful if the delegation could inform the Committee of the total number of children in the country.

The meeting was suspended at 3.45 p.m. and resumed at 4.10 p.m.

28. **Ms. Scotty** (Nauru) said that the Child Protection and Welfare Act 2016 and the Crimes Act 2016 had both entered into force. A domestic violence unit had been established within the Nauru Police Force. It cooperated with government representatives responsible for child protection, women's affairs and health. Individuals who were not satisfied with the police's response to their concerns regarding the welfare of a child could turn to the Child Protection Services Division. She acknowledged the importance of establishing a child protection unit within the Nauru Police Force and would follow up on the matter on her return to the country. The Government provided the Child Protection Services Division with an annual budget of 363,257 Austrian dollars ($A) and they were responsible for the protection of Nauruan children only. The Australian authorities financed the provision of support for the children of refugees. Connect Settlement Services, the service provider responsible for settling refugees in Nauru, cooperated with the Child Protection Services Division to address issues such as parental abandonment and abuse. It was nevertheless important that the Department of Multicultural Affairs, which had overall responsibility for refugees and asylum seekers, remained closely involved in such matters.

29. The Nauru Police Force trained with and received assistance from the Australian Federal Police. Australian lawyers were also assisting the Justice Department with the drafting of a new police bill. Disaggregated data had not yet been collected in Nauru, but she acknowledged that they would be helpful. The Regional Rights Resource Team was involved in the process of preparing the Family Protection Act for adoption and, although the general election held several months previously had resulted in a slight delay, the Act was expected to be adopted in the coming months. Several government bodies and the United Nations Children's Fund had jointly conducted a nationwide consultation in advance of the adoption of the Child Protection and Welfare Act. The Nauru Youth Affairs Division and children from Nauru Secondary School had participated in the consultation process. Emphasis had been placed on raising awareness of the distinction between punishment and abuse, and training workshops had been organized for officials responsible for child welfare, including teachers and medical staff.

30. The Chinese nationals present in Nauru had entered the country for business purposes and did not hold Nauruan citizenship. With regard to the situation of journalists, it should be remembered that Nauru had been unjustly criticized in the media for its handling of the refugee situation. The negative media coverage had angered many Nauruans, which had made the situation even more difficult. As a result, a new visa regime had been introduced for media representatives. In principle, if journalists were less biased in their

reporting, it would be possible to permit them to enter the country free of charge. Nauru was working to improve the lives of refugees and ensure the protection of human rights.

31. No Nauruan children had drowned. They were generally confident swimmers and began learning to swim at a young age. However, one refugee had recently drowned. Lifeguards had been hired to protect refugees, many of whom could not swim. There had not been any traffic accidents recently, even though there were many cars in Nauru. The island had a desalination plant to supply potable water, but refugees and asylum seekers tended to drink bottled water instead. Although the Government sought to encourage the timely registration of births, it was possible to register a birth after 21 days.

32. **Ms. Aho Assouma** asked whether the process of streamlining the birth registration procedure had made it more accessible and what function the 21-day limit served if the late registration of a birth did not entail a penalty.

33. **Ms. Khazova** said that she wished to know whether fines were issued to the parents of children whose births had not been registered within the time limit. If so, how large were they? It would also be helpful to know whether a child who had not been issued with a birth certificate would face difficulties in accessing basic services, for example education and health care.

34. **The Chair** asked whether the introduction of a time limit for birth registration had been effective.

35. **Ms. Scotty** (Nauru) said that fines were not issued for late birth registration, but, as an incentive, a sum of $A 100 was awarded for timely registration.

36. The vast majority of the island's population owned a mobile phone and, contrary to popular belief, the people of Nauru did indeed enjoy access to social media and social networking platforms such as Facebook. Although the Government had attempted to discourage the use of such platforms, especially during the working day, in reality, their use was widespread. The Government had sought to restrict children's use of Facebook and other social media and social networking platforms in an effort to curb the growing phenomenon of revenge pornography, which was a matter of serious concern to parents.

37. **Ms. Khazova** asked whether children in Nauru enjoyed unrestricted access to the Internet.

38. **Ms. Winter** said that it would be helpful to know whether refugee children had the same rights and responsibilities as Nauruan children and whether they received equal treatment in all spheres of life in the country.

39. **Ms. Scotty** (Nauru) said that free wireless Internet was available in all schools. However, children could only use their mobile phones at certain times during the school day. All children in Nauru could access health care and education free of charge and on an equal footing. The Education Act prohibited the use of corporal punishment in schools and special training on that subject had been dispensed to teachers.

40. **Mr. Masaurua** (Nauru) said that the process of bringing the Guardianship of Children Act and other national laws into line with the provisions of the Convention, which would take place gradually, would begin once consultations had been held with the relevant government departments. The Public Defender's Office was fully functional and had a mandate to provide all persons living in Nauru, including refugees and asylum seekers, with free legal services and advice. The Government of Nauru had consulted the Office of the Ombudsman of the Government of Samoa on the establishment of a national human rights institution. However, the discussions had been discontinued following the recent adoption of the Leadership Code Act, which provided for the establishment of an ombudsman's office in Nauru. In view of the limited human and financial resources available to the

Government of Nauru, it had been decided to set up a unit specializing in human rights and gender issues within the ombudsman's office once it became operational. The committee that would be responsible for overseeing the establishment of the office as a whole had not yet been formed.

41. The Ministry of Home Affairs, working in partnership with the Department of Justice and Border Control, had launched targeted community outreach programmes to raise the awareness of women, children and young people and persons with disabilities of human rights issues concerning them. Human rights training was dispensed to members of the judiciary and parliamentarians on an ongoing basis. Some of the highest ranking members of the Nauruan judiciary had previously served as human rights advocates and judicial trainers elsewhere in the Pacific region and were therefore well placed to design training programmes and to provide training on issues falling within their area of expertise, which included children's rights and child protection. The Director of Public Prosecutions and the Public Defender's Office were also involved in providing human rights training. Most major human rights issues were covered by the country's continuing legal education programme.

42. The new Child Protection and Welfare Act had raised the legal minimum age for marriage to 18 years. Although there was no specific ministry for children in Nauru, the Ministry of Home Affairs, acting through, inter alia, the Department of Education, bore primary responsibility for and had a specific mandate to deal with children's issues. A coordinating committee composed of representatives of the various government departments provided technical assistance and took policy and legislative decisions on children's issues.

43. Following a comprehensive legislative review, the Government had begun the process of bringing all relevant laws and policies into line with the provisions of the Convention on the Rights of Persons with Disabilities and was planning to draft legislation that would better cater to the specific needs of all persons with disabilities, including children, living in Nauru. Regrettably, the delegation was unable to provide the statistical information requested by the Committee at that time but would endeavour to submit it in the near future. As data collection and analysis continued to pose a significant challenge to the Government, it would be useful to receive technical assistance from the Committee in that area.

44. The health-care entitlement of refugees differed somewhat from that of asylum seekers in that asylum seekers could only access dedicated international health-care services whereas refugees enjoyed full access to all public health-care services available. The Government of Nauru was grateful to the Government of Australia for its assistance in building a new, state-of-the-art hospital, which provided a full range of health-care services to Nauruan citizens and refugees alike.

45. The possibility of holding another constitutional referendum was still being considered. The Government of Nauru would be grateful to the Committee for any technical assistance that it could provide in ensuring that children's rights were fully incorporated into the Constitution. Under the Interpretation Act, the Government of Nauru was required to apply the principles enshrined in international human rights treaties and to give effect to findings of judicial reviews. It had also used the relevant provisions of the Act to effect a number of changes within the judiciary.

46. The Government was aware of the need to strengthen its relationship with civil society and to form partnerships with the different NGOs operating in the country, which did not have a specific mandate. In Nauru, community work was carried out mostly by faith-based organizations, youth groups and women's groups. Moreover, there was an

organization for persons with disabilities that actively promoted their interests and advocated the inclusion of a disability perspective in relevant laws and policies.

47. In practice, it had proven difficult to give full effect to the principle of respect for the views of the child enshrined in the Convention, as it was often at variance with the prevailing philosophy in Nauru that, in certain circumstances, children should be seen and not heard. The Government fully recognized the need for children to be heard and to participate in family decisions and was striving to strike a balance between guaranteeing those rights in practice and preserving parents' traditional role as primary decision makers.

48. The Government had adopted a number of legislative and policy measures and had undertaken awareness-raising and prevention activities at the community level in an attempt to address the pervasive phenomenon of domestic violence in Nauru. Close cooperation with the national police and the effective enforcement of relevant legislation and policies were the key to combating that phenomenon effectively. The Family Protection Act was in the final stages of drafting and, once completed, would be submitted to Cabinet and then to Parliament for adoption. The Act was progressive in that it reflected many of the principles enshrined in the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities and introduced the obligation for service providers, such as police officers and health-care professionals, to file a complaint if they became aware of acts of violence occurring in the family setting.

49. The policies in place to combat gender-based violence included a policy to tackle sexual harassment and a robust gender policy, which was being mainstreamed in the work of all relevant government departments.

50. Cases of child abuse were generally handled by the Child Protection Services Division and Victims Support Service. The Integrated Case Coordination Committee bore overall responsibility for cases of domestic violence and child protection issues.

51. As part of the Government's efforts to raise awareness of children's rights, the Department of Education had designed and run a teacher training programme on children's rights, which made specific reference to the Convention.

52. **Ms. Scotty** (Nauru) said that, to her knowledge, all the refugees arriving on the island of Nauru held the citizenship of their country of origin and had no desire to become Nauruan citizens. The Citizenship Act had been amended in 2015 to facilitate the acquisition of Nauruan citizenship by and the legal adoption of stateless Chinese children, especially girls. They had been abandoned by their biological parents on account of the one-child policy in force in China at the time of their birth and had lived in Nauru for many years and been raised by Nauruan citizens.

53. The failure of the 2010 constitutional referendum had been chiefly attributable to inadequate preparation and to the format and wording of the question of the referendum being too restrictive, which had effectively deprived voters of the possibility of accepting some amendments and rejecting others.

54. **Ms. Ayoubi Idrissi** asked whether children, who were often the victims of domestic violence, were part of the campaigns being conducted to raise the awareness of teachers, police officers and health-care professionals of that phenomenon. It would also be useful to learn whether child victims of domestic violence were routinely informed of their rights and how to vindicate them.

55. **Mr. Gastaud** asked whether children who had been born in Nauru to refugee or asylum seeker parents and who were effectively stateless could be granted Nauruan citizenship. He would also like to hear about the measures taken by the State party to

enshrine the principle of respect for the views of the child in law and to enforce it in practice.

56. **The Chair** said that it would be helpful to receive additional information on the non-legislative measures taken by the State party to combat the phenomenon of domestic violence in Nauru, including in schools, and on the impact of those measures. He also wished to know whether the outcome of the court cases mentioned in the head of delegation's introductory statement had been influenced by the application of the Interpretation Act. Noting that a large amount of statistical information on health had been lost when the previous national hospital had burned down, he asked what measures the State party had put in place to prevent the loss of such essential data in the future.

57. **Ms. Scotty** (Nauru) said that the Government planned to conduct campaigns to raise the awareness of child victims of domestic violence about their rights once the campaigns targeting teachers, police officers and health-care professionals had come to an end. The Government accorded top priority to educating the adults who were most likely to come into contact with those children about the need to report abuse.

58. The Citizenship Act had been amended in 2015 primarily to assist children who had been abandoned. Children born in Nauru to refugee parents who held the citizenship of their country of origin were also considered to be citizens of that country and so were not normally granted Nauruan citizenship. The Government attached great importance to the preservation of data and was taking steps to preserve land records and statistical information on health.

59. **Mr. Masaurua** (Nauru) said that school liaison officers were responsible for looking after children's best interests inside and outside school. The officers were trained to spot the tell-tale signs of domestic abuse and were obliged to report confirmed and suspected instances of that phenomenon to the school principal, who then referred the matter to the education authorities, which contacted the police if necessary. There had been cases in which children had reported domestic abuse directly to the Child Protection Services Division.

60. The school curriculum included a human rights component and made specific mention of children's rights and responsibilities under the Convention. The outcome of the court cases mentioned in the introductory statement had been the direct result of the application of the Interpretation Act.

61. The Government had identified a statistician who could begin to collect statistical data on health and education, and planned to hire an international consultant to set up a reliable data-collection system within the Bureau of Statistics.

62. Although no legislative measures had been adopted to enshrine the principle of respect for the views of the child, in Nauru it was customary to give children an opportunity to express their opinion on matters concerning them in practice, especially at school. However, in spite of that concession, primary decision-making power still rested with the child's parents.

63. **Ms. Sandberg** asked the State party to clarify whether there was a hotline that children could use to report cases of violence or to discuss confidential matters.

64. **Mr. Nelson**, noting that free Wi-Fi was available in all schools, asked whether children were allowed to take their mobile phones to school. He also asked what proportion of the budget for the Ministry of Home Affairs was allocated to the Nauru Youth Affairs Division.

65. **Ms. Scotty** (Nauru) said that a budget of $A 5 million was allocated to education and that the Child Protection Services Division had a budget of more than $A 300,000,

which included funding from UNICEF. Much of the funding was used for consultants, training and special projects, such as awareness-raising campaigns regarding children's rights.

66. A hotline had recently been set up with the assistance of the Australian Border Force. The hotline was linked to the police department and could be used to report cases of domestic violence against women.

67. **Ms. Sandberg** asked whether there was a hotline specifically for children, which was not linked to the police and not necessarily related to reporting criminal matters.

68. **Ms. Scotty** (Nauru) reiterated that the hotline was intended to enable women to report cases of domestic violence and did not provide counselling. Children in need of assistance often preferred to go to the Child Protection Services Division, which was child friendly. The Division would then contact the police, if necessary.

69. **Ms. Sandberg** enquired about the services available to children who were victims of abuse.

70. **Ms. Scotty** (Nauru) said that children who filed complaints with the Child Protection Services Division could go to a safe house while their complaints were being processed by the courts. The safe house offered counselling and would take the children to hospital, if necessary.

71. **Mr. Gastaud** said he welcomed the fact that education was compulsory for children between the ages of 6 and 16 and asked which areas of education were being addressed under the Plan of Action for Children. He also asked whether young mothers were encouraged to go back to school, and what steps the State party was taking to combat school dropouts and absenteeism and to provide sufficient training to teachers. He asked what the roles of school captains and vice-captains were and whether such persons were elected.

72. There was only one school for persons with disabilities on the island and the school did not have specialized teachers. Moreover, the students were persons between the ages of 3 and 34, which might not be in the best interest of either the children or the adults. Were there any instances in which children with disabilities were not schooled?

73. **Mr. Nelson** said that prenatal and postnatal care was limited. Noting that bottle-feeding seemed to be prevalent, he asked whether efforts were being made to raise awareness about the benefits of breastfeeding. He also asked whether the State party was providing sex education in schools or making contraceptives readily available to teenagers in order to combat the high rate of teenaged pregnancies, and whether any measures were being taken to address the high level of alcohol and substance abuse among children.

74. The Committee had received reports that some asylum-seeking and refugee children had developed chronic conditions as a result of living in overcrowded and unsanitary camps. He enquired what measures were being taken improve the living conditions inside the camps, what criteria were used to determine whether asylum seekers and refugees should live inside or outside the camps, and what sort of housing was provided to those living outside.

75. Referring to the reports of child abuse within the camps, he asked what steps were being taken to put an end to such abuse and to provide support to the victims, how many reports of abuse had been investigated and how many cases had gone to court.

76. He wished to know what would be the fate of the asylum seekers and refugees living in Nauru when the camps closed at the end of February 2017. He also wished to know whether the Vulnerable Children's Meeting Committee relating to asylum-seeking children had ever met or referred any cases to the police and what its mandate was.

77. He asked whether the Immigration Act 2014 criminalized the sale and trafficking of children and whether protection and rehabilitation was provided to victims of trafficking. He wondered whether measures were being taken to combat the sexual abuse of children. The Committee had received reports that complaints were often withdrawn by the victims and therefore the cases never went to court. The State party should provide more information on public awareness programmes in that regard.

78. With regard to juvenile justice, he asked whether separate facilities were provided for juvenile offenders and, if so, how many offenders were being held in such facilities. Were there any juvenile courts? Were there separate safe houses for children who were victims of crime?

79. **Ms. Khazova** said that she would welcome information on the reasons why so many children were deprived of a family environment. She asked whether there were any specific criteria for removing children from their families or allowing them to stay; whether counselling or support was available to the families concerned; and whether any measures were in place to prevent child removals. She also asked whether, in connection with the Family Protection Act, there were any plans to improve the living conditions in the institutions where children were placed or to develop family placements. Referring to the report, she asked whether the law could be amended so that both parents, and not just the mother, would be considered guardians of their children even if they were not married.

80. On the issue of unaccompanied children, she asked why asylum-seeking and refugee children were often separated from their parents and whether efforts were being made to reunite them with their families. She also asked whether unaccompanied children were placed in institutions or put up for adoption. The Committee would welcome information on adoption in Nauru. Was adoption even permitted? Was it widespread or regulated? Was intercountry adoption allowed?

81. **Ms. Aho Assouma** asked what portion of the budget was allocated to health care and whether the delegation could provide more specific statistics on the infant, child and maternal mortality rates in Nauru. She asked why 2 per cent of children were not vaccinated; what steps were being taken to prevent child obesity and teenaged pregnancy; and whether measures were in place to assist mothers and children with HIV and to provide them with access to antiretroviral therapy. With reference to the high consumption of tobacco and alcohol among children, she asked what measures were being taken to reduce their consumption and whether anyone had been prosecuted for selling tobacco or alcohol to children.

The meeting rose at 6 p.m.

United Nations CRC/C/SR.2135

Convention on the Rights of the Child

Distr.: General
16 September 2016

Original: English

Committee on the Rights of the Child
Seventy-third session

Summary record (partial)* of the 2135th meeting
Held at the Palais Wilson, Geneva, on Wednesday, 14 September 2016, at 10 a.m.

Chair: Mr. Mezmur

Contents

Consideration of reports of States parties (*continued*)

Combined initial to sixth periodic reports of Nauru (continued)

* No summary record was prepared for the rest of the meeting.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of the present document* to the English Translation Section, room E.6040, Palais des Nations, Geneva (trad_sec_eng@unog.ch).

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.16-15937 (E) 150916 160916

1615937

Please recycle

The meeting was called to order at 10 a.m.

Consideration of reports of States parties (*continued*)

Combined initial to sixth periodic reports of Nauru (continued) (CRC/C/NRU/1-6; CRC/C/NRU/Q/1)

1. *At the invitation of the Chair, the delegation of Nauru took places at the Committee table.*

2. **Ms. Muhamad Shariff** asked how the State party dealt with children living in the safe house, for whom returning home was unsafe.

3. **Mr. Rodríguez Reyes** asked whether the provisions of the International Code of Marketing of Breast-milk Substitutes would be incorporated into domestic legislation and what specific programmes and policies ensured that children were breastfed immediately after birth, promoted exclusive breastfeeding for the first six months of their lives and encouraged continued breastfeeding until they were 2 years old. He wished to know whether there were national information campaigns encouraging mothers to breastfeed; whether the newly constructed hospital would adopt the baby-friendly hospital initiative, which promoted breastfeeding; whether the existing hospitals in the State party were sufficient to meet the needs of Nauruan citizens as well as the refugee population and whether there was a mobile unit that provided primary health to those unable to travel.

4. **Ms. Scotty** (Nauru) said that most mothers in Nauru breastfed their children. Breastfeeding was an integral part of the public health message and events were organized each year to celebrate World Breastfeeding Week. Mothers who did not breastfeed could use powdered milk imported from Australia. The new Public Service Act provided for paid maternity leave for women working in the public sector amounting to a minimum of three months, plus one additional month for each year of service.

5. The new hospital had been equipped to an extremely high standard and represented a significant improvement on existing facilities. Community clinics had been set up across the country with assistance from Australia and were staffed by community nurses who assisted those unable to travel to hospital.

6. **Mr. Rodríguez Reyes** asked whether the new hospital was fully operational.

7. **Ms. Scotty** (Nauru) said that the new hospital was not yet fully completed. She would pass on to the Ministry of Health the suggestion that the hospital should implement the baby-friendly initiative.

8. The Education Act 2011 had raised the school-leaving age from 16 to 18 years. The captains, vice-captains and prefects mentioned in the report were classroom leaders in higher primary and secondary schools. Young mothers were not forced to return to school and could receive education in literacy and mathematics through Nauru Youth Affairs. All teachers, both Nauruan and foreign, were required to hold teaching qualifications, and local teachers' skills were improved with the assistance of an Australian university. Teachers also received in-service training, and a number of Nauruans had been awarded scholarships to study for education qualifications abroad.

9. The parents of children who truanted faced a fine of $A 200, a sanction that also applied to refugees and asylum seekers. Pupils who attended school, behaved well and completed their work received 5 dollars per day. That scheme extended to refugees and asylum seekers and was monitored by Liaison Officers. The School Feeding Programme was run by community volunteers and supervised by the health authorities.

10. The opening of the Able Disabled Centre represented a significant achievement, although persuading the parents of children with disabilities to allow them to attend was

extremely challenging. There was ongoing training for the Centre's teachers, for example in sign language and Braille.

11. The budget for Nauru Public Health was $A 4 million, which was mostly spent on overseas medical referrals. If the local hospital was unable to treat a refugee, he or she was sent to Australia, while Nauruans could be referred to hospitals in Australia, Taiwan Province of China, Thailand and Fiji. Non-communicable diseases were tackled through education on lifestyle changes. Although there were no cases of HIV/AIDS in Nauru, awareness-raising activities were organized by a committee. Vaccinations were free for everyone, and parents were encouraged to vaccinate their children. Community nurses vaccinated those unable to travel to hospital.

12. **Mr. Cardona Llorens**, noting that the Able Disabled Centre was not a school and did not provide formal education, and that many parents of children with disabilities chose not to use it, said that the State was responsible for ensuring that all children, including those with disabilities, enjoyed the right to education regardless of their parents' beliefs. Children with disabilities should receive formal education and should not be segregated. He asked whether any effort had been made to allow children with disabilities to attend mainstream schools and to provide the necessary training for teachers. Had Nauru ratified the Convention on the Rights of Persons with Disabilities and were policies planned to enable children with disabilities to participate in society on an equal footing with non-disabled children?

13. **Ms. Aho Assouma** said that she would welcome information on school dropout rates at the different levels of the education system, particularly with regard to refugee children, who suffered discrimination and often preferred to remain in their camps. She asked how the portion of the health budget spent abroad was allocated, what proportion of that budget was spent on health services in Nauru, what monitoring mechanisms were in place to detect HIV/AIDS, what counselling was provided to young people, why so many health-care workers came from abroad and how health-care training at the local level was promoted.

14. **Ms. Sandberg** asked what reasons lay behind the high truancy rates, whether those rates were high at all levels of the education system and whether they were linked to low-quality education or to parents' wishes for the children to undertake other tasks. She wished to know whether education was compulsory until 18 years of age.

15. **Ms. Scotty** (Nauru) said that the State party respected the right of the parents of children with disabilities to choose whether their child attended the Able Disabled Centre. The Centre's teachers provided basic education and cared for children with a range of disabilities. The country had insufficient financial resources to provide inclusive education.

16. School dropout rates were highest at the higher primary and secondary levels. Refugee children were often kept away from school by their parents as a form of protest. Nevertheless, some refugee children had achieved significant success at school, including one who had recently graduated from university. Education was compulsory up to the age of 18; businesses had been warned that they risked prosecution if they employed children, and the number of children in employment was decreasing. Many higher primary school children attended private schools or schools in Australia.

17. **Ms. Sandberg** asked for confirmation that the $A 5 regular allowance helped combat truancy among older children.

18. **Ms. Scotty** (Nauru) said that Ms. Sandberg was correct in her understanding in that regard.

19. **Ms. Sandberg** asked what happened at home to children who misbehaved at school and returned to their parents without the $A 5 allowance.

20. **Ms. Aldoseri** asked whether child asylum seekers and refugees had access to education within the Regional Processing Centre. The Committee had been informed that a number of such children had suffered from bullying and violence in mainstream schools and had left education as a result. She asked whether any measures had been taken to tackle bullying in schools and whether any data on the issue were available.

21. **Mr. Cardona Llorens** asked for confirmation that parents of non-disabled children who failed to attend school were fined $A 200 but that parents of children with disabilities could choose whether or not to send them to school.

22. **Ms. Scotty** (Nauru) said that parents of children with disabilities did not always consider education necessary, given the resilient nature of family support networks in the State party. The Education Department and the Nauru Disabled People's Association were working to promote opportunities for children with disabilities.

23. Refugee children had previously been taught at a school within the Regional Processing Centre but currently attended mainstream schools, where they were taught by Australian teachers. Australian counsellors provided support to unaccompanied minors. Media reports of bullying of refugee children in Nauruan schools should be treated with caution. Anti-bullying policies had been put in place and a workshop had been held in that regard for the parents of refugee and local children. Significant progress had been made with regard to the integration of refugee children into mainstream schools and community play centres. The Australian Government had provided funding to pay for psychologists to assist refugee children. The Nauruan authorities employed psychologists in secondary schools to give support to local children. Children living at the Regional Processing Centre were provided with a 24-hour bus service, could leave and return to the centre at any time and were bussed to school according to age-range, in order to avoid bullying and overcrowding.

24. **The Chair** asked how the national authorities dealt with children with behavioural problems.

25. **Ms. Scotty** (Nauru) said that liaison officers had been recruited to assist such children and to work with the parents concerned to improve their children's behaviour.

26. **Ms. Sandberg** asked whether an independent mechanism had been put in place to receive complaints of bullying in schools and whether any studies into the problem had been carried out.

27. **Ms. Khazova** asked for information on the contents of school-based anti-bullying training programmes and on any efforts to include a component on tolerance with regard to refugee children in those programmes.

28. **Ms. Scotty** (Nauru) said that, working in conjunction with Save the Children, the Government had introduced an anti-bullying programme to improve life at school for all children in the State party, involving parents of both refugee and local children.

29. As a part of an agreement with Fiji National University, a training school for nurses had been opened in Nauru. However, rather than remaining in or entering the public sector, many Nauruan nurses preferred to work at the Regional Processing Centre, owing to the higher wages on offer there.

30. **Mr. Masaurua** (Nauru) said that, under the Tobacco Control Act, 2009, all retailers of those products must display posters and stickers in their establishments stating that it was illegal to sell tobacco to persons aged under 18 years. Any vendors failing to comply with the law in that regard were fined. It was forbidden to sell tobacco products on "World No Tobacco Day", an event which was marked in schools by talks on the dangers of tobacco consumption. "No smoking" signs must be displayed in restaurants and cafes. It was also

forbidden to smoke in the workplace, within 200 metres of a school or in sight of children attending school. The legal age for the consumption of alcohol was 21 years under the Liquor Act, 1967, and public health officials had carried out actions to raise awareness of the impact of alcohol consumption, including through televised advertisements. The Family Life Education module, delivered in 2015 to year 9 students, had covered the issues of alcohol, tobacco products, reproductive health, sex education and adolescent pregnancy and would be extended to cover lower secondary level education.

31. Awareness-raising campaigns on the dangers of obesity and diabetes and the importance of healthy living were regularly carried out. Efforts had been made to provide the population with access to exercise and weight-loss programmes and to raise awareness of non-communicable diseases, including through visits to workplaces by public health officials. There had been no reported cases of HIV/AIDS in Nauru but every effort was being made to inform the public of the dangers of both that condition and other sexually transmitted infections, mainly through a grass-roots, civil-society based education programme, the distribution of condoms and the dissemination of relevant information through social media. Tests for such medical conditions were carried out as a part of all medical check-ups.

32. **Mr. Nelson** (Country Rapporteur) asked whether the programmes on the dangers of alcohol and tobacco products formed part of the school curriculum, whether they were run on a regular basis and whether any cases of vendors selling such products to minors had been investigated.

33. **Ms. Aho Assouma** said that information would be welcome on the care and treatment available to children using alcohol and/or tobacco products, the distribution of condoms to young persons, in particular in the light of the high adolescent pregnancy rate, and the provision of advice on reproductive health care in schools.

34. **Mr. Masaurua** (Nauru) said that children with disabilities were taught gardening and life skills in order to ensure that they would be self-sufficient in future life. Despite the fact that, owing to a lack of resources, previous attempts to integrate children with disabilities into mainstream schools had failed, inclusive education remained a goal for the Government. Under the recently adopted Pacific Disability Rights Framework, the State party had a duty to promote inclusive education.

35. School captains, vice-captains and head boys or girls provided other students with extra support and mentoring, while learning discipline and leadership skills. A student council programme had been set up to enable schoolchildren to discuss issues with school principals.

36. The Committee would be sent the data on the numbers of child refugees and asylum seekers once the delegation had returned to Nauru capital. The Department of Multicultural Affairs, the Government of Australia and the Regional Processing Centre service providers would address the issue of the provision of services in the post-February 2017 period within the Centre in the near future. In the meantime, the Government of Nauru would provide any assistance that might be required.

37. Refugees currently lived in the wider community, in houses equipped with air conditioning, kitchens, bathrooms and toilets. Young refugees had access to education, health care and school transport services. Efforts were ongoing to move asylum seekers from tents to permanent accommodation. Refugees and asylum seekers enjoyed full access to the Republic of Nauru Hospital and the International Health and Medical Services.

38. The main task of the Department of Multicultural Affairs was to deal with issues affecting refugees and asylum seekers in a humane way and to coordinate with international organizations and other stakeholders in that regard.

39. Wide-ranging public consultations would be necessary before any steps could be taken to set up a dedicated youth court. There was no specific legislation in place on young persons. However, a national youth council, whose members were aged between 14 and 34 years, had been set up by the Ministry of Home Affairs to identify issues affecting youth, develop appropriate strategies and facilitate the implementation of the National Youth Policy. Juvenile justice cases were dealt with by the ordinary courts. There were no separate detention facilities for young offenders but special wardens had been appointed to watch over them. The safe house offered shelter to children victims of abuse or domestic violence and a full-time counsellor was on hand to provide such victims with assistance. However, children in difficult situations usually turned to family members for help. There were no children's institutions in the State party.

40. Nauru was a matriarchal society and, consequently, the first point of contact for a child was often his or her mother. There was currently no specific NGO working in Nauru to provide assistance to children who had suffered abuse, although there were a number of faith-based organizations that offered such support. The Government of Nauru would welcome more assistance from the international community in addressing the problem of child abuse.

41. With regard to the high number of expatriate workers in Nauru, the Government was doing its best to educate Nauruan nationals by sending them abroad for studies and training. For instance, one Nauruan national had returned from studying medicine in Cuba and others had been trained as nurses in Fiji. Nauru recognized the important contribution of retired nurses from Fiji working in Nauru to provide high-quality medical care for the Nauruan people.

42. **Mr. Nelson** said that he was disturbed by the fact that young offenders were being detained together with adults, as it would encourage young offenders to commit further crimes in the future. If it was not possible to place young offenders in a separate facility, they should at least be detained in cells separate from adult offenders.

43. **Mr. Masaurua** (Nauru) said that young offenders aged 14-18 were never fully deprived of liberty. They were mainly made to carry out community service under the supervision of a correction officer or community leader. In response to the requests for clarification from Ms. Winter, Ms. Sandberg and Ms. Ayoubi Idrissi, he said that young offenders aged 14-18 lived with their parents at home under strict supervision and were obliged to observe curfews. The Government, through its emphasis on community service, was trying to devise an alternative to imprisonment, which would assist in the personal development of the children, serve their best interests, and help them to contribute to their community.

44. **Mr. Kotrane** said that he found it difficult to believe that children aged 14-18 who had committed a serious crime, such as murder, would not be punished by deprivation of liberty in the State party. The Convention did not prohibit the deprivation of liberty of children as long as it was employed as a last resort and in accordance with the gravity of the crime committed.

45. **Ms. Muhamad Shariff** said that she would like to know whether the punishment of community service imposed upon a child interfered with his or her education.

46. **Mr. Nelson** said that he had information regarding a child aged 16 years who had been convicted in July 2016 and sentenced to 18 months' imprisonment, 9 of which the defendant would serve in a correctional service. The case in question demonstrated that the State party did in fact punish children with deprivation of liberty.

47. **Mr. Masaurua** (Nauru) said that cases of murder committed by children were very rare in Nauru. The crimes for which children were required to carry out community service

were petty in nature, such as theft or street fighting. If a child committed murder or another serious crime, the courts would undoubtedly impose a punishment in accordance with the gravity of the crime. The case referred to by Mr. Nelson was very recent.

48. There were no national sanctions in place for the international movement of asylum seekers or refugees. No restrictions applied to such persons leaving or entering Nauru. There had thus far been two cases of refugees travelling abroad to Fiji on official work duty. Family reunification applications submitted by asylum seekers or refugees were encouraged and duly considered.

49. With regard to the family environment, no formal institution existed in Nauru to look after children in need of care. Safe houses were readily available but provided a temporary solution only. The first point of contact for such children was their family. There had not been any formal case registered in which a child had needed to be removed from his or her family. There had, however, been cases in which the relatives of a child had intervened in order to remove the child from an immediate family member and had looked after the child on a temporary basis. Nauru did not have a high number of NGOs working to provide support to such children. There were, however, a number of faith-based organizations that provided counselling to families.

50. **Ms. Tebouwa** (Nauru) said that teaching on the dangers of tobacco consumption had been included in the Family Life Education module, which was itself part of the school curriculum. A "No Tobacco Day" programme was held annually and organized by the Ministry of Health. Programmes ensuring the availability of condoms for young people had recently been introduced. Condoms were available over the counter at public health clinics. Despite initial parental concerns, sex education for children was gradually being accepted by the Nauru community.

51. **Ms. Khazova** said that she would appreciate further clarification regarding reports that children seeking asylum were often separated from the family members with whom they had arrived in Nauru. She asked whether adoption services were available in the State party, whether the delegation had figures at hand regarding the number of children housed in childcare institutions, whether such children had to remain in the institutions until they reached the age of majority, and whether the State party was planning to revise regulations that gave sole guardianship of a child to the mother if she was not married to the child's father.

52. **Ms. Aho Assouma** said that she would welcome a comment on whether cases of maternal mortality in Nauru could be at all attributed to a lack of communication arising from language barriers between expatriate medical staff and local mothers.

53. **Ms. Scotty** (Nauru) said that as all people from Nauru spoke English, there was no lack of communication between Nauruan mothers and English-speaking expatriate medical staff. Refugees or asylum seekers who did not speak English were provided with interpreters if necessary.

54. There were no existing institutions for children in need of care in Nauru. A kinship care system was in place if a child experienced problems with an immediate family member. No child had been permanently removed from his or her immediate family. In cases of child abuse, the child in question would be temporarily taken away from his or her immediate family but would eventually return once the problem had been resolved. Courts tended to intervene in the event of a child being orphaned. Taking into consideration the best interests of the child, the court would decide which family member was best placed to look after the child in question. The adoption of Nauruan children was prohibited; only stateless children could be adopted. With regard to the issue of sole guardianship, the life expectancy of Nauruan men was lower than that of women. Given that children required a

stable figure in their lives, mothers were given sole guardianship of their child if they were not married to the father of the child.

55. **Ms. Tebouwa** (Nauru) said that families seeking asylum in Nauru were never broken up. Such families were housed in Regional Processing Centre (RPC) 3. Family members had previously been required to submit individual applications for asylum but the law had been amended to allow families to be considered under a joint application.

56. **Mr. Gastaud** (Country Rapporteur) said that he would like to know whether corporal punishment was currently prohibited by law under all circumstances or, if not, whether it would be prohibited by law in the future.

57. **Ms. Khazova** said that she would appreciate a comment on the State party's approach to dealing with unaccompanied minors seeking asylum. Referring to the issue of sole guardianship, she noted that, despite the shorter life expectancy of Nauruan men, not every father of a child born to a single mother was deceased and, if the father of such a child was alive, the child should be allowed to have contact with him.

58. **Ms. Scotty** (Nauru) said that, since the introduction of the Education Act in 2011, corporal punishment in schools had been prohibited. Prior to the Family Protection Act being passed in Parliament, a division within the Ministry of Home Affairs had visited communities in Nauru to explain to parents the difference between discipline and corporal punishment. Replying to a question from Ms. Sandberg, she said that corporal punishment at home had been prohibited following the passing of the Family Protection Act and that the police force was receiving training in that respect. As regards the matter of sole guardianship, there had recently been cases of fathers who were not married to the mother of their child but who had nonetheless acknowledged paternity of the child in question.

59. **Ms. Aho Assouma** said that she would like to know how the State party ensured that children suffering from tobacco and alcohol abuse were supported with regard to medical care and reintegration into society. She asked whether there had been any prosecutions of those who had sold tobacco and alcohol to children or of those who had sent children to buy such substances on their behalf.

60. **Ms. Tebouwa** (Nauru) said that four mothers had died in childbirth in the period from 2011 to 2013.

61. **Ms. Scotty** (Nauru) said that anti-smoking campaigns were run on Nauru and that there was a law against selling alcohol and tobacco products to minors. Offenders were punishable by a fine of up to $A 5,000. They could also lose their business licence.

62. **Ms. Sandberg** said that she wished to know what recourse child refugees in particular had if they felt they were being bullied. She wondered whether the Nauruan Government intended to investigate reports that child refugees were frequently bullied and, if those reports were confirmed, what it intended to do in response.

63. **Ms. Scotty** (Nauru) said that every refugee family had a caseworker to whom complaints could be submitted. The caseworker ensured that the complaints were forwarded to school principals or, if appropriate, the Office of the Secretary of Education. She acknowledged the advisability of carrying out a study to determine whether the reports of bullying faced by child refugees were accurate. If she was not mistaken, the Parliament of Australia had set up a commission to look into those reports.

64. **Mr. Masaurua** (Nauru) said that child refugees could submit complaints about bullying not only to their caseworkers but also through school-specific mechanisms that could be used by Nauruan and refugee children on an equal basis. It would nonetheless be preferable for child refugees and their families to take complaints to their caseworkers.

65. **Ms. Muhamad Shariff** asked whether it was the courts that ordered children to perform community service. What was done to ensure that such service did not conflict with the children's schooling?

66. **Mr. Masaurua** (Nauru) said that children performed community service only if ordered to do so by the courts, in consultation with the Corrections Office. The authorities had not given any thought to ensuring that community service did not impinge on a child's right to an education. They would do so in the future.

67. **The Chair**, referring to recent reports in The *Guardian*, said that no one should let the inevitable minor mistakes made by journalists, who were not the Committee's sole source of information, cause him or her to lose sight of what had to be done to ensure the safety of children in the State party, in particular refugees. He reminded the delegation members that their appearance before the Committee was their opportunity to describe the situation on the ground as they themselves saw it. What did the Nauruan authorities themselves consider their main challenges? How did they plan to address them?

68. **Ms. Scotty** (Nauru) said that there were three Regional Processing Centres on Nauru. Families and single women were housed in Regional Processing Centre 2 and single men in Regional Processing Centre 3. Administrative and dining facilities were located in Regional Processing Centre 1. The Department of Justice and Border Control was responsible for processing applications for refugee status.

69. A new school, built by the Australians, was due to open very shortly and would help reduce classroom overcrowding, particularly in the middle primary years. Teachers, interpreters and school counsellors and psychologists were generally recruited from Australia.

70. International Health and Medical Services, an outside service provider, was responsible for the health and well-being of the refugee community, while personnel from Connect Settlement Services, which had replaced the Salvation Army and Save the Children, worked together with officials from the Department of Multicultural Affairs to help ensure that refugees transitioned smoothly into community life on Nauru. The Salvation Army and Save the Children had been replaced because some of their personnel had actively encouraged refugees to harm themselves. It had also been hard for Nauruan officials to work effectively with organizations that were responsible for negative portrayals of the Processing Centres and had an agenda different from that of the Government.

71. She herself had seen pictures of children with nooses around their necks on the Facebook pages of refugees on Nauru. The intention of the pictures had been to show the world what Nauru had been forcing those children to do. She wondered who had put them up to such a stunt. It had certainly not been her Government. It was not uncommon for refugees who wished to leave Nauru to discourage other refugees from expressing satisfaction with their situation. Nauru was unjustly vilified, in many cases by refugees whose wish to leave gave them an incentive to portray the conditions of their life in the country as worse than they really were. In addition, reports critical of Nauru were often produced by visitors who stayed on the island for only a brief time or consulted unreliable sources. Nauru was a very small country, where there were few secrets, if any. Everybody knew everybody else's business, yet she had read press reports describing events about which she had had no inkling.

72. **Ms. Sandberg** said that although the Committee understood that the situation in the State party was complex, the allegation that Save the Children had encouraged child refugees to harm themselves was unacceptable. In addition, the focus should be on children, not refugees in general, and when the authorities saw pictures of children with nooses around their necks, the proper reaction would be not to lash out in anger at such reputable

organizations as Save the Children but to look more closely into what was happening, which would necessarily involve talking to the children themselves.

73. **Ms. Scotty** (Nauru) said that she blamed the parents of the children who appeared on Facebook with nooses around their necks. For the study of the situation of child refugees on Nauru, she would have to follow the matter up with officials from the Department of Multicultural Affairs.

74. **Mr. Gastaud** said that the Committee wished to encourage the State party to proceed with judicial reform, reduce discrimination against vulnerable children and eradicate all forms of violence against children. The State party should also move towards establishing a juvenile justice system in line with international standards. The Committee's concluding observations would reflect its observations in greater detail. On behalf of the entire Committee, he expressed the hope that it would not be another 21 years before a delegation from Nauru appeared again before the Committee.

75. **Ms. Scotty** (Nauru) said that her Government took its commitment to children's rights seriously. In that connection, she called on the international community to provide Nauru with assistance, in particular with respect to data collection, the establishment of a national human rights institution, policy reform, awareness-raising and involving children and their families in the implementation of the country's obligations under the Convention.

The discussion covered in the summary record ended at 12.50 p.m.

United Nations CRC/C/SR.2136

Convention on the Rights of the Child

Distr.: General
19 September 2016

Original: English

Committee on the Rights of the Child
Seventy-third session

Summary record of the 2136th meeting
Held at the Palais Wilson, Geneva, on Wednesday, 14 September 2016, at 3 p.m.

Chair: Mr. Mezmur

Contents

Consideration of reports of States parties (*continued*)

Combined third to fifth periodic reports of Sierra Leone

This record is subject to correction.

Corrections should be submitted in one of the working languages of the United Nations. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of the present document* to the English Translation Section, room E.6040, Palais des Nations, Geneva (trad_sec_eng@unog.ch).

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.16-16029 (E) 190916 190916

1616029

Please recycle

The meeting was called to order at 3 p.m.

Consideration of reports of States parties (*continued*)

Combined third to fifth periodic reports of Sierra Leone (CRC/C/SLE/3-5; CRC/C/SLE/Q/3-5 and Add.1)

1. *At the invitation of the Chair, the delegation of Sierra Leone took places at the Committee table.*

2. **Ms. Blyden** (Sierra Leone), introducing her country's combined third to fifth periodic reports (CRC/C/SLE/3-5), said that Sierra Leone was fully committed to the implementation of the Convention and other international instruments in the sphere of the rights of the child. The recent Ebola outbreak had presented a major human rights challenge for Sierra Leone. It had affected thousands of children, leaving many orphaned. Her delegation would have preferred to come before the Committee at a later date, since, although the outbreak had now been contained, it had seriously hindered the Government's efforts to implement the Convention. Furthermore, the Government was still focused on its recovery strategy.

3. The President attached great importance to the protection of the rights of the child and had appointed prominent human rights defenders to senior government positions in that field. The protection of the rights of the child remained a priority, one that required the continued assistance and engagement of the international community. Indeed, the need for international aid had increased in the wake of the Ebola outbreak.

4. Children mattered in Sierra Leone where they were allowed to have a say in national decisions affecting them. For that reason there was a child member on the delegation who would help to prepare responses to the questions raised by the Committee during the dialogue. Regrettably, owing to circumstances beyond her delegation's control, it had not been possible to submit the replies to the list of issues (CRC/C/SLE/Q/3-5/Add.1) on time. Moreover, it had not been possible to fully implement the obligations, policies and plans envisaged for the reporting period.

5. However, progress had been made. Since assuming office in 2007, the President had launched two inclusive, rights-based programmes, the Agenda for Change and the Agenda for Prosperity, both of which were informed by the political, economic, social and cultural rights enshrined in the Convention and other international instruments in the sphere of the rights of the child. Those two programmes and the post-Ebola recovery strategy, which had been launched in July 2015, had institutionalized the promotion and protection of the rights of the child. They set out a time frame in line with the 2030 Agenda for Sustainable Development.

6. The Government recognized that the Child Rights Act, 2007 and the Registration of Customary Marriage and Divorce Act, 2009 should be amended and that a review of the discriminatory provisions in the current Constitution should be conducted. Mechanisms had been established to ensure that the domestic legal framework was brought into line with the Convention. The Government had also taken measures in connection with female genital mutilation.

7. Efforts had been made to counter gender-based violence, including violence against children, and to prosecute perpetrators. Progress had been made towards achieving gender parity in the education sector, and the enrolment rate had increased. The Child Labour National Technical Steering Committee had been established within the Ministry of Labour and Social Security and was developing a national action plan to combat the worst forms of child labour. Free health care was provided for survivors of the Ebola virus disease, victims of sexual violence, children under the age of 5 years and women who were pregnant or

breastfeeding. Improved data management systems and training had also been implemented in the health-care sector. The ongoing civil registration and vital statistics programme included measures to improve the rate of birth registration. The Government had prioritized the improvement of the water supply to villages and towns and was working on the development of strategies to upgrade the capital city's water supply system.

8. **Ms. Winter** (Country Rapporteur) said that, contrary to the impression given by the media, the purpose of the meeting was not to allow the Committee to sit in judgment, but to provide assistance to the State party. The Committee acknowledged that the Ebola outbreak had prevented the full implementation of its concluding observations on the State party's second periodic report (CRC/C/SLE/CO/2).

9. The greatest challenge that Sierra Leone faced was the sustainable implementation of its legislation in order to ultimately reduce its dependence on foreign aid. Furthermore, the poverty rate was very high, and there were large disparities between urban and rural areas.

10. **Ms. Ayoubi Idrissi** (Country Rapporteur) said that, although the late submission of the replies to the list of issues had made the Committee's task more difficult, the meeting represented an opportunity for the delegation to explain the situation in Sierra Leone. She asked whether the State party intended to ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. The State party's legislative framework was fairly comprehensive, but more could be done to bring it into line with the Convention. In that connection, she would be grateful for more detailed information on any legislative reforms that had been proposed. She observed that some traditional practices hampered the implementation of legislation. Although the Convention was not directly applicable in the courts, she wished to know whether it had been invoked in recent case law.

11. It would also be helpful to know what measures had been taken to strengthen the financial and human resources of the Ministry of Social Welfare, Gender and Children's Affairs and what efforts were being made to strengthen local governance and improve local planning and management. More information on the National Commission for Children would be welcome, in particular with regard to its resources and its cooperation with the Ministry of Social Welfare, Gender and Children's Affairs. Was it responsible for monitoring the implementation of the Convention? If so, was it independent and fully compatible with the Paris Principles?

12. She acknowledged that many different sectoral programmes had been developed, but wished to know whether consideration had been given to the creation of a global strategy for the protection of the rights of the child, one accompanied by an action plan, indicators, follow-up procedures and adequate financial resources. She also wished to know what was being done to improve the allocation of financial resources and develop an allocation system based on human rights, given that the Ministry of Social Welfare, Gender and Children's Affairs and many civil society organizations involved in the protection of the rights of the child were highly dependent on international aid.

13. She asked what measures were being taken or had been planned to ensure that the Convention and its optional protocols were widely disseminated, in particular in terms of their inclusion in training programmes for professionals tasked with protecting the rights of the child and their translation into local languages. In the light of government efforts to promote entrepreneurial activity, she enquired whether the private sector would play a role in protecting the rights of the child and whether any safeguards had been introduced to that end. Although the Child Rights Act defined the child as a person aged under 18 years, the Registration of Customary Marriage and Divorce Act allowed persons aged under 18 years to marry in certain circumstances. Were there any plans to reform the latter Act and the discriminatory provisions in the Constitution with a view to ending child marriage?

14. She would appreciate more information on the new birth registration system. Were large fees still charged for a late registration? More information on the promotion and protection of other civil rights and freedoms, including the right to freedom of expression, freedom of conscience and religion, the right of association and the right of access to appropriate information, would also be welcome.

15. **Ms. Winter** said that, despite some improvements, current legislation discriminated against women and girls. Discrimination was also a problem for persons living with HIV/AIDS, persons with disabilities and, to the north of the country in particular, persons with albinism. In that context, she would be grateful for more information, including some idea of time frames, on the efforts being made to counter discrimination. She drew attention to the Committee's general comment No. 14 on the right of the child to have his or her best interests taken as a primary consideration (CRC/C/GC/14), as it might prove useful when drafting guidelines on the best interests of the child. Had that general comment been translated into local languages?

16. She asked what measures had been planned to lower the rate of child mortality. As public health advice was often not followed, it would be helpful to know whether the Government would make efforts to raise awareness of, for example, the importance of using impregnated nets to prevent malaria. More information on any programmes introduced to fight drug addiction among children and young people would also be welcome. Adolescent pregnancies, which were associated with a high rate of child mortality, and unsafe abortions represented two further challenges. In that connection, the safe abortion bill, which had twice been blocked by the President, should be adopted in order to save lives.

17. The Committee was concerned by the high prevalence of rape and incest perpetrated against young girls by members of their family in Sierra Leone and by the general tendency to blame the victim and not the perpetrator of the crime. She enquired why so few cases were brought before the courts. The tradition of dealing with cases of rape and incest within the family or the wider community was not an acceptable alternative to the formal justice system, as family or community-based solutions were often brokered for the purpose of upholding the honour of the victim's family and afforded the victim herself little or no protection or support. She asked how many young girls had benefited from the special assistance programme in place for rape victims and how the State party planned to raise public awareness of the plight of those girls and to convince families to prioritize the welfare of their daughters.

18. Although children were given the opportunity to voice their opinions on certain governmental and legislative issues and on school matters, there were no general guidelines for applying the principle of respect for the views of the child enshrined in the Convention. Moreover, there was a certain reluctance to take children's views into consideration within the community and the judiciary. She asked what measures the State party envisaged taking to educate judges, prosecutors and police officers about the right of children to be heard and to express their views. She also asked whether children who were required to testify before the courts received special assistance and what measures were in place to safeguard their rights during court proceedings.

19. **Mr. Rodríguez Reyes** said that the delegation should clarify whether the Human Rights Commission or the National Commission for Children had a specific mandate and the human and financial resources necessary to provide specialized protection to children and adolescents and to investigate violations of children's rights.

20. **Ms. Ayoubi Idrissi** said that the various laws adopted to date had done little to reduce the high prevalence of sexual and domestic violence in the country. She asked how the State party planned to encourage child victims to report incidents of sexual and

domestic violence and to raise awareness about the full range of support services available to them, including rehabilitation programmes, as well as about the availability of reparation for violations of their rights. She also asked whether police officers, health-care professionals and members of the judiciary were provided with training on how to deal effectively with cases of sexual and domestic violence. It would also be useful to know whether the State party intended to prohibit the use of corporal punishment and to promote the use of alternative disciplinary measures and good parenting practices.

21. While the Committee welcomed the efforts made by the State party to eradicate the practice of female genital mutilation, it remained concerned by the persistence of the practice throughout the national territory. The Committee would appreciate more information about the reasons behind the vehement opposition to expressly prohibiting female genital mutilation in the Child Rights Act. Was there a helpline in place to assist girls who had already undergone the procedure?

22. **Mr. Gurán** said that it would be useful to learn more about the procedure for appointing the Commissioner and Deputy Commissioner of the National Commission for Children and how their independence was guaranteed. The delegation should clarify whether the Human Rights Commission or the National Commission for Children was competent to receive complaints from or on behalf of children whose rights had been violated, and indicate whether the State party had taken steps to raise the awareness of children about the existence of that complaints mechanism.

23. **Ms. Winter** said that the Committee had received alarming reports that, during the Ebola crisis, some 14,000 girls had fallen pregnant. She wondered how those girls had become pregnant and, if those pregnancies were the result of rape, whether the perpetrators had been prosecuted and punished. Were there plans to investigate the circumstances of those pregnancies and to bring those persons found to have committed rape to justice? The fact that girls who were visibly pregnant were often prevented from attending school made the situation all the more serious. It was likely that the girls in question were victims of sexual violence and therefore in need of special assistance. Had the State party devised a strategy to ensure that the girls received the necessary care and support?

The meeting was suspended at 3.50 p.m. and resumed at 4.20 p.m.

24. **Ms. Blyden** (Sierra Leone) said that, once the Government had dealt with the aftermath of the Ebola epidemic, it would give due consideration to ratifying the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. At that moment in time, there was no reason why the Government would not ratify the third Optional Protocol to the Convention.

25. The constitutional reform process was still ongoing and it was hoped that many outstanding issues, such as the repeal or amendment of discriminatory constitutional provisions, would be settled by the upcoming constitutional referendum. The process of aligning the legal minimum age for marriage provided for in the Registration of Customary Marriage and Divorce Act with that provided for in the Child Rights Act would be relatively uncomplicated, requiring only a small amendment to be made to the former. Under normal circumstances, the necessary amendment could be introduced before the end of 2016. The Law Reform Commission was the body responsible for overseeing legislative reform and would oversee the alignment process. The relevant government ministries, departments and agencies were in the process of identifying discriminatory laws that were in need of amendment and submitting the corresponding request for amendment to the Commission for inclusion in its 2017 workplan.

26. The Ministry of Social Welfare, Gender and Children's Affairs recognized that the share of the national budget allocated to social issues, gender and children's affairs was insufficient and was lobbying the Budget Bureau and other relevant stakeholders in an

attempt to remedy that situation. In Sierra Leone, the Government worked in partnership with civil society organizations, traditional leaders and children to set the national budget. A child protection unit had been set up in all local councils in Sierra Leone as a means of strengthening their capacity to protect children and adolescents, and training on gender issues and the Child Rights Act was dispensed to local council members. Activities to raise public awareness of children's rights were conducted at both the local council and chiefdom levels. The National Child Justice Strategy served to bolster the efforts already undertaken to enhance the protection available to children and adolescents at the local level.

27. The National Commission for Children was fully compatible with the Paris Principles and operated in conditions of total independence, as demonstrated by the fact that it had openly criticized government policy on children in the media without consequence. Children could readily access the services provided by the Commission. Only the Human Rights Commission was competent to receive complaints from or on behalf of children whose rights had been violated. However, the Human Rights Commission worked closely with the National Commission for Children to investigate and respond to such complaints.

28. The Committee should refer to the statistical data table appearing in the first annex to the replies to the list of issues (CRC/C/SLE/Q/3-5/Add.1) for an overview of the budgetary resources allocated to the different government ministries and their various initiatives.

29. The Government acknowledged the need to translate the Convention and the Child Rights Act into all the languages spoken in Sierra Leone and, provided that sufficient funding was available, could begin to do so in the near future. In the interim, the Government had conducted training activities in local languages to raise the awareness of those texts among the different communities living in Sierra Leone.

30. Over the years, a number of private sector and corporate entities had invested in charitable activities intended to improve the situation of the country's children. The Government had launched a large-scale birth registration programme, which was still ongoing, with the aim of achieving universal birth registration in Sierra Leone. Although the late registration fee had been originally introduced to encourage parents to register their children immediately after birth, the Government recognized that it could also deter parents who had not had the opportunity to register their child from doing so. As part of its reform of the national birth registration system, the Government intended to waive the late registration fee.

31. **Mr. Rodríguez Reyes** asked whether there was a specialized unit dealing with children and adolescents operating within the Human Rights Commission and, if so, whether the State party had taken steps to raise public awareness of its existence and of the services that it provided.

32. **Ms. Aho Assouma** asked how long it took to issue a birth certificate after a birth had been registered, whether uncollected birth certificates were systematically forwarded to the parents of the child in question and how much parents were required to pay to receive a birth certificate.

33. **Ms. Ayoubi Idrissi** said that the delegation should explain how the Human Rights Commission cooperated with the National Commission for Children in investigating and responding to complaints of violations of children's rights. She asked how many complaints had been submitted by or on behalf of children to the Human Rights Commission and whether children could file a complaint with the Commission in person.

34. **Ms. Blyden** (Sierra Leone) said that there was indeed a specialized unit dealing with children and adolescents operating within the Human Rights Commission. The delegation

was unable to provide statistical information on the number of complaints that had been submitted by or on behalf of children to the Commission at that time but could submit it in due course.

35. **Ms. Kamara** (Sierra Leone) said that the Government recognized the right of every child living in Sierra Leone to have their birth registered free of charge, irrespective of where they were born. In the interests of efficiency, responsibilities relating to birth registration had been devolved to the health units operating within the different chiefdoms of the country. Each health unit was responsible for registering births and issuing birth certificates to parents living within a given catchment area and was required to do so free of charge, regardless of when the child in question had actually been born. Under normal circumstances, a birth certificate was issued immediately after a birth had been registered. Local councils exercised oversight over the activities of the health units operating within the different chiefdoms and took any necessary decisions.

36. Referring to the high maternal, child and infant mortality rates, she said that prior to the Ebola outbreak, the Government had made great progress in terms of immunizations, institutional deliveries, as well as prenatal and postnatal visits, thanks to its Free Health-Care Initiative. However, those gains had been offset by the Ebola epidemic, as women had suddenly stopped coming to medical facilities for fear of contracting the virus. Moreover, health services in Sierra Leone now suffered from a lack of human resources, as 221 members of staff had been lost during the outbreak.

37. Tackling the high mortality rate was a top priority of the post-Ebola recovery strategy. The Government had removed 756 unverified staff members from its payroll, making funds available to hire additional staff, and was expanding training for midwives. The Government was trying to improve the supply chain to make drugs more accessible and was working with the United Nations Children's Fund and other partners in order to provide free health care. It had also reviewed its essential medicines list and was using community health workers to assist children with acute respiratory infections, as well as pregnant women.

38. The Government was making an effort to step up its data collection in order to have a more accurate assessment of mortalities and thus improve its health-care management. It was also distributing mosquito nets and improving sanitation and access to water in hundreds of communities.

39. **Ms. Winter** asked which staff members had been removed from the Government's payroll and why.

40. **Ms. Kamara** (Sierra Leone) said that ghost employees, or unverified staff members who could not be traced, had been removed from the payroll, allowing the Government to save US$ 180,000 per month.

41. **Ms. Blyden** (Sierra Leone), referring to concerns raised about the safe abortion bill said that Sierra Leone was a democratic country where citizens enjoyed freedom of speech and that that had an impact on the status of the bill. Essentially there were two issues concerning the bill but sometimes they became blurred. First, the bill had been poorly drafted and therefore had to be edited before it could be signed by the President. Secondly, there were certain groups lobbying against the adoption of the bill which considered that abortion should not be condoned, and their views could be misinterpreted as reflecting the position of the Government. The views of all sides had to be duly taken into account and the sooner the issue was resolved the better.

42. The delegation was unaware of any discrimination against albino children in the north of the country, but was willing to investigate the matter if the Committee could provide it with more specific information. It did, however, acknowledge that children with

HIV/AIDS were often victims of discrimination and abandoned by their families. The HIV/AIDS Secretariat provided counselling and support to families whenever possible, and abandoned children were placed in alternative care. Sierra Leone provided special schools for deaf and blind children and had programmes for various types of disabilities.

43. **Ms. Ayoubi Idrissi** said that she would appreciate further information on the application of the Sexual Offences Act, 2012, which provided for access to free health care for victims of sexual violence. The Committee had received information that such care was limited, if not non-existent.

44. **Ms. Blyden** (Sierra Leone) said that sexual offences were prosecuted and that over 350 cases of sexual violence had gone to court during the last quarter of 2015. Since the promulgation of the Sexual Offences Act, the State party offered specialized court hearings for child victims and their families. Victims were allowed to testify in camera and were afforded special protection.

45. Sierra Leone had launched several campaigns involving senior officials and well-known public figures to raise awareness about sexual and gender-based violence. Women and children were increasingly aware of their rights and had access to support services.

46. **Mr. Sesay** (Sierra Leone) said that the issue of sexual and gender-based violence against children was of great concern to the Government, which had taken steps to ensure that perpetrators were caught and brought to justice and that victims received prompt and comprehensive support. The National Referral Protocol on Gender-Based Violence had been rolled out successfully across the country, and child welfare committees had been established throughout the chiefdoms and villages in order to identify issues of sexual and gender-based violence and to provide protection for children. The committees had received training on the National Referral Protocol and were the first point of contact for child victims. Victims who came forward were immediately sent to hospital for a medical examination. Once a medical report had been issued, the child victims were referred to the police, so that the case could be investigated and the perpetrators could be prosecuted and punished accordingly. During the trials, the children would be provided with protection and counselling and would also be able to continue their studies.

47. **Ms. Blyden** (Sierra Leone) said that significant progress had been made in combating sexual and gender-based violence and providing police protection for child victims. The Government was very active in terms of advocacy and training relating to children's issues and welcomed the participation of civil society organizations. Efforts were being made to remove the stigma attached to victims of sexual abuse and to ensure that family members did not place the honour of their family above the welfare of their children.

48. **Ms. Winter** said that she had read the State party's report thoroughly but had not found all the statistical data she had been looking for. It would be useful if, at the next meeting, the delegation could provide information on the sentences handed down in the 350 court cases previously referred to and on the number of child victims who had received assistance.

49. She wished to know how many cases of violence, and particularly sexual violence, inflicted on children by teachers had been brought to court and what the outcome of those cases had been. Under national law, corporal punishment was allowed in cases where it was deemed reasonable and justifiable. She wished to know how and by whom that was determined.

50. **Ms. Ayoubi Idrissi** asked whether the protocol on assistance for child victims of sexual violence had been standardized and implemented nationwide. She also asked how many psychologists there were in the country who could dispense the assistance provided for under the protocol.

51. **Ms. Blyden** (Sierra Leone) said that sexual consent with a person who had not reached the age of majority was defined in national law as statutory rape. Society, however, was only beginning to understand that concept, as child marriage was deeply entrenched in the culture in some parts of the country. Her Government was making great efforts to change those cultural values through a nationwide campaign to end child marriage. There were only 10 psychologists in the whole country, and that posed a great challenge with regard to mental health.

52. The *Soweis* — female leaders of the Bondo secret societies who practised female genital mutilation — had agreed to work with the Government to ensure that girls were not forcibly initiated into the secret societies. That agreement constituted a great step forward and was unprecedented in Africa. By focusing on the right of children to be free from torture or cruel treatment, the rights of the child could be dealt with separately from the very contentious issue of female genital mutilation as a whole, which was a practice of which many women were proud.

53. If her Government were to tell local communities that they must stop the practice altogether, those communities would believe that the Government was being paid by "the white man" to destroy their culture. They would no longer trust or respect the Government and would stop listening to its advice about preventing malaria, HIV/AIDS, malnutrition or other important health concerns. Eighty per cent of women in Sierra Leone belonged to an ethnic group that had practised female genital mutilation for centuries, and many of them took pride in upholding that practice.

54. For that reason, her Government believed that the most effective course of action was to prohibit female genital mutilation for girls under 18 years of age. While some other African countries had passed laws prohibiting the practice altogether, they were not able to implement those laws. The Secretary-General of the National Sowei Council was currently studying the situation to determine what charges could be brought against persons who subjected girls to female genital mutilation.

55. **Ms. Ayoubi Idrissi** asked what measures the Government had taken or planned to take to establish a family protection programme that offered real financial support to poor families, so that their children would not end up on the streets. Information on measures to improve access to education in rural areas would also be useful. While she welcomed the introduction of quality standards for institutions providing residential care to children, she remained concerned about reports that some institutions did not meet those standards and yet continued to operate. She therefore wished to know what measures were being taken to implement the quality standards for institutional care for children and to promote deinstitutionalization.

56. **Ms. Winter** noted that there were no children living with their incarcerated mothers in the country, which was apparently due to a lack of adequate facilities. Given that the former Special Court for Sierra Leone had left a detention centre intended for women prisoners and their children, she asked why that facility was not being used for that purpose.

57. She asked what the State party was doing to combat corruption and sexual abuse by teachers in schools, who reportedly asked for sexual favours from girls who were unable to pay for their tuition. Following the Ebola crisis, the economic exploitation of child labour had become rampant once again in the country. She therefore asked how the Government planned to ensure the return to school of children, and especially young children between 6 and 12 years of age, given that many parents were unwilling for their children to stop working.

58. **Ms. Sandberg** asked how many children were currently in residential care. She also asked whether there was a formal system of foster care and, if so, how many children were being cared for through that system. She wished to know what criteria were used to

determine whether or not children should be placed in residential care. Given the low number of persons employed to monitor residential care institutions, she wondered whether there were any plans to scale up that monitoring. She also wondered what action was taken in cases where it was revealed that residential care institutions did not meet the established standards.

59. She enquired how many children were currently in informal care (*men pikin*), and she wished to hear about the challenges the State party faced in its implementation of the National Alternative Care Policy for Children. Lastly, she asked whether the Trust Fund for Child Welfare was still operational and, if so, what resources had been allocated to it.

60. **Mr. Cardona Llorens**, noting that the State party's report did not contain any statistical data on children with disabilities, asked whether such data was available. He asked what budget was allocated specifically for children with disabilities, as the information contained in the report was not disaggregated by age group. He asked what steps the Government was taking to move towards a system of inclusive education. Public awareness-raising campaigns were essential in the effort to end stigma against children with disabilities.

61. **Mr. Rodríguez Reyes** asked what measures were being taken to promote breastfeeding and to support mothers who wished to breastfeed. While welcoming the training provided to nurses on evaluating mental health, he questioned whether 21 nurses would be sufficient to cover the whole population, and asked whether doctors also received such training. He wondered whether the Government might also consider offering training on the dangers of the excessive use of medication and institutionalization when treating mental health issues.

62. **Ms. Aho Assouma** asked how the Government ensured that the recipients of insecticide-treated mosquito nets actually used those nets. She wished to know what percentage of children was fully vaccinated by their first birthday and what measures were being taken to ensure vaccination coverage throughout the country.

63. She doubted whether teenagers would be willing to go to a hospital to get access to condoms. She therefore asked whether condoms were available in schools, along with counselling and information about sexual and reproductive health. She enquired whether there were any psychologists specialized in child psychology and whether children placed in psychiatric institutions were kept separate from adult patients. She wished to know about the prevalence of HIV in the country and the availability of treatment. Information would also be welcome on the treatment available to children who abused alcohol or other drugs. Lastly, she asked whether the Government ensured free access to health care for girls, including victims of incest and rape, who suffered from complications resulting from unsafe abortions.

64. **Mr. Gastaud** asked what progress had been made in the effort to address the widespread phenomenon of children living on the streets. He also asked whether any studies had been conducted to determine the number of street children in various cities throughout the country and the root causes of the phenomenon. He requested further information about the shelters and educational opportunities made available to street children.

65. **Mr. Kotrane** asked whether a family court had been established. Since the mandate of such a court should be to deal with civil matters only, he asked whether the Government also planned to introduce a juvenile criminal court and to provide specialized services for children in conflict with the law during all stages of the proceedings.

66. He shared the concerns expressed in the State party's report with respect to juvenile justice, and he requested further information about the extent to which the minimum age of criminal responsibility was respected throughout the country.

The meeting rose at 6 p.m.

United Nations CRC/C/SR.2137

Convention on the Rights of the Child

Distr.: General
19 September 2016

Original: English

Committee on the Rights of the Child
Seventy-third session

Summary record of the 2137th meeting
Held at the Palais Wilson, Geneva, on Thursday, 15 September 2016, at 3 p.m.

Chair: Mr. Mezmur

Contents

Consideration of reports of States parties

Combined third to fifth periodic reports of Sierra Leone (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages of the United Nations. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of the present document* to the English Translation Section, room E.6040, Palais des Nations, Geneva (trad_sec_eng@unog.ch).

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.16-16030 (E) 160916 190916

1616030

Please recycle

The meeting was called to order at 3.05 p.m.

Consideration of reports of States parties

Combined third to fifth periodic reports of Sierra Leone (continued) (CRC/C/SLE/3-5; CRC/C/SLE/Q/3-5 and Add.1)

1. *At the invitation of the Chair, the delegation of Sierra Leone took places at the Committee table.*

2. **Mr. Kotrane**, turning to the issue of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, said that he welcomed the adoption, by the State party, of the Sexual Offences Act (2012). It was unfortunate that the Committee had not been provided with a copy of that text. Information on domestic legislation prohibiting the sale of children would be welcome. He asked whether measures had been taken to implement the recommendations of the Committee relating to the need to specifically criminalize the improper actions of intermediaries in cases of intercountry adoption, to the strengthening of efforts to combat illegal adoption and to extraterritorial jurisdiction and extradition contained in paragraphs 31 to 36 of its 2010 concluding observations. The State party did not appear to recognize that it had jurisdiction over offences committed abroad by Sierra Leonean nationals or by persons habitually resident in Sierra Leone, or against Sierra Leonean nationals.

3. As to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, he asked for an update on the plans to review the Child Rights Act in order to criminalize the use of children in hostilities, as referred to in paragraph 107 of the State party's replies to the list of issues.

4. **Ms. Khazova** asked, in the light of the lifting of the moratorium on intercountry adoption by the State party, what guarantees were currently in place to ensure that the adoption process was not used as a cover for the sale of and trafficking in children. She also asked whether the State party intended to become party to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption in the near future, whether it had any plans to develop and promote a system for domestic adoption and to assist adoptive parents and whether the National Alternative Care Policy or the Government's child rights strategy provided for domestic adoptions.

5. **Ms. Aldoseri** said that only 10 per cent of children in the State party had access to early childhood education. She asked whether any plans had been drawn up to improve that situation and, if so, whether a corresponding specific timeframe had been set, whether the Government intended to take over responsibility from the private sector in that regard, whether there were any plans to tackle the low rate of school attendance among girls through awareness-raising campaigns promoting school enrolment at the grassroots level and whether the Government would consider lifting the ban on pregnant students attending school as a part of efforts to encourage girls to remain in education.

6. **Ms. Blyden** (Sierra Leone), turning to the issue of vulnerable children from poor families, said that legislation on social safety nets had been put in place, under which the National Social Security and Insurance Trust had been set up to provide funds for the care of individuals and families living in extreme poverty. The State party had been operating a system of cash transfers and psychosocial and economic support for such families for a number of years. In the wake of the Ebola crisis, efforts in that regard had been increased and a further 59,000 poor families had been identified. The World Bank and the National Commission for Social Action had launched a joint project providing cash transfers and livelihood support to families living in poverty.

7. Turning to a question relating to a home for orphaned adolescent girls located in Bombali District, the institution in question had been set up by a Swiss national in Kamakwie, Bombali District, and would be the subject of an official investigation in the near future, the results of which would be communicated to the Committee.

8. Although no specific data on the number of infants currently being held in detention with their mothers were available, work was ongoing to set up a database that would contain such information. There was only one prison facility that met the requirements set out in the Child Rights Act relating to the detention of mothers with their infant children. Mafanta prison was currently being upgraded.

9. No specific data were currently available on children with disabilities. However, the national census had been overhauled and currently covered issues such as the percentage of children with disabilities living in the State party and the categories of disability concerned, in order to facilitate planning in that regard. The final results of the census would be made available to the Committee as soon as they were available.

10. There had been a spate of cases of teachers giving students the answers to exam questions in return for cash or sexual favours. A nationwide system had been put in place to tackle that issue and severe sanctions were imposed upon any teacher involved in an inappropriate relationship with a student under the age of 18 years. In 2015, the Government had run a major campaign highlighting the problem of corruption in the education sector and the corresponding penalties.

11. The Child Rights Act contained provisions on child labour. It was a criminal offence to take a child out of school and place him or her in any type of labour. Talks would be held at the interministerial level on how best to enforce and strengthen the Act and the penalties in that regard.

12. No specific data on the number of children in residential or foster care, or placed with relatives, were currently available. However, with the support of the African Development Bank (ADB) and the United Nations Children's Fund (UNICEF), 600 social workers would be recruited to carry out data collection on issues such as fostering in the field for a period of four months, possibly to be extended for a further eight months. A database had already been put in place in that regard.

13. The National Alternative Care Policy for Children was currently being implemented only on an ad hoc basis. However, the distribution by the Government of food, clothes, educational materials and cooking utensils to children placed with foster families or reunited with their biological parents had led to a culture of dependency. As the policy had not yet been fully implemented on a formal basis, no results were available for the time being. The State party currently employed only 49 social workers nationwide, making it extremely difficult to provide follow-up relating to all children placed in alternative forms of care and to carry out home visits and investigations in that regard. The Trust Fund for Child Welfare had not yet been set up; however, action would be taken in that regard as soon as possible.

14. **Ms. Ayoubi Idrissi** (Country Rapporteur) asked whether an official body responsible for statistics relating to children had been set up independently of the Ministry of Social Welfare, Gender and Children's Affairs and whether measures had been taken to improve the quality of teaching and access to education in rural areas.

15. **Ms. Sandberg** asked whether the 600 social workers who would be recruited in the near future would provide support to families and children, in addition to collecting data.

16. **Ms. Aho Assouma** asked whether social workers would intervene in prisons to assist mothers detained with their infants and whether any services were currently available

for those detainees. She asked how the national authorities assisted children in street situations and child labourers.

17. **Ms. Winter** (Country Rapporteur) said that she would appreciate a comment on whether the State party had established a code of conduct for teachers that would provide them with training and would address the issue of corruption in schools. She asked whether the Government had made efforts to educate parents on the importance of sending their children to school. Child labour was a problem not only among street children but also among children who lived with their families. Children were sometimes forced by their parents to work before the start of the school day, which inevitably affected their performance at school.

18. **Ms. Blyden** (Sierra Leone) said that Statistics Sierra Leone (SSL) functioned as an efficient national data-collection institute. SSL was legally mandated to conduct national censuses and to collect data on other relevant national indicators including children's issues. There was at least one SSL staff member working in every government ministry. Although the institute encountered technological challenges, such as the maintenance of databases, it operated very efficiently on the whole.

19. Social workers in Sierra Leone were not merely data collectors. They were currently being deployed as part of the Government's post-Ebola recovery operation and were also responsible for monitoring the welfare of children and mothers. All social workers were required to have minimum qualifications from a recognized university. Despite recent budgetary constraints, the Government had agreed to permanently employ a further 200 social workers, thanks to advocacy efforts by the Ministry of Social Welfare, Gender and Children's Affairs (MSWGCA). It was the Ministry's belief that, had more social workers been available during the Ebola epidemic, faster intervention would have been possible and the crisis would not have been so grave. On account of the economic downturn, a high proportion of retiring social workers had not been replaced over the past 30 years, with the effect of significantly reducing the number of active social workers. The Ministry was seeking to educate people on the importance of social workers who provided a direct link to communities, intervened when they were capable of doing so, and brought issues to the attention of higher authorities when necessary.

20. Social workers also carried out work in prisons and were the only persons, apart from judiciary staff, who were able to conduct unannounced prison inspections. In the event of a woman with a child being remanded in custody, MSWGCA was immediately informed of the situation and staff members were assigned to ensure that the child would be taken into interim care.

21. **Ms.** Sarian **Kamara** (Sierra Leone) said that the Code of Conduct for Teachers and Other Educational Personnel had been developed and teachers had been trained in that regard. The Ministry of Education, Science and Technology had established standards with which all schools were required to comply in order to be registered as an educational institution. Head teachers were also required to attain a certain level of qualification, which varied depending on whether the head teacher presided over a primary or secondary school. Efforts had been made to reduce overcrowding in schools. For instance, additional classrooms had been built in many schools, decreasing the number of children per class to roughly 30.

22. In order to address the issue of corruption, teacher verification exercises were being conducted, whereby teachers were required to bring in their teaching certificates to school. Furthermore, instead of the salaries of teachers being paid into a single school account, as had previously been the case, teachers were obliged to open an individual account into which their salary would be paid as a way of tackling misappropriation of funds. Similarly, standards had been put into place to ensure that funds allocated by the Government to

schools could be paid only into the relevant school account and never into the private account of an individual.

23. The current academic year would mark the introduction of a school feeding programme aimed at improving concentration levels among children. In addition, efforts had been made to prevent a resurgence of Ebola by improving school water and sanitation facilities. Teachers had also received training in that regard.

24. **Ms.** Joyce **Kamara** (Sierra Leone) said that there were three different categories of street children: those who stayed in the street during the day but returned to their family home at night, those who were sent by families to work in the streets for a given period of time after which they returned home, and those who were permanently homeless. Street children who became involved in criminal activity were monitored by probation officers and were sometimes sent to a remand home or approved school.

25. Programmes were being implemented to reunify street children with their families. As part of such programmes, social workers identified street children and placed them in interim care. Such children were provided with food, counselling and medical treatment where necessary. Efforts would be made to track down the families of street children and to reunify the child with his or her family. Follow-up visits were also conducted to verify that the reunification had been successful. The National Commission for Children was currently conducting a survey on female street children who had been sexually abused and had consequently fallen pregnant. The results of the survey would be used to provide better support services for such victims.

26. **Mr. Gastaud** said that he would like to know whether statistics were available on the total number of street children in Sierra Leone. He asked what happened to children for whom the family reunification had not been successful, whether such children were taken into care and, if they did not like the care home, what the next course of action would be for them. He sought clarification as to whether inspectors had been employed to ensure compliance with the laws prohibiting child labour, and whether any persons had been prosecuted or convicted as a result of non-compliance.

27. **Ms. Blyden** (Sierra Leone) said that there had indeed been cases of trials and convictions of individuals who had not complied with the anti-child labour laws. The Government was striving to raise awareness of the importance of children's education and the need to keep children off the streets, and was prepared to strengthen existing laws in that regard.

28. **Ms.** Joyce **Kamara** (Sierra Leone) said that, in the event of the failure of family reunification, street children would be placed in a foster family. Assessments would be carried out to ensure that the foster family was capable of looking after the child in question and follow-up visits would also be conducted. In Sierra Leone, children from rural areas were often duped into moving to the city, where they were told they would receive an education. In reality, such children were often exploited for economic gain. The practice was punishable under the Anti-Human Trafficking Act (2005) but such cases were rarely reported and, consequently, were seldom taken to court.

29. **Ms. Blyden** (Sierra Leone) said that the following circumstances could result in a child being placed in interim care: if the child had been abandoned by his or her parents, if the child had been orphaned and the close relatives of the child were not prepared to look after him or her, if the child was thought to have suffered sexual or gender-based violence in the family home, in cases of both maternity and paternity disputes over the child, or in particularly traumatic divorce proceedings.

30. Regarding juvenile justice, remand homes were used to accommodate children aged between 14 and 17 years who were facing trial. Approved schools functioned as a means of ensuring that children serving prison sentences were able to continue their education.

31. **Ms. Ayoubi Idrissi** said that she wished to know how the authorities of the State party, with its shortage of social workers, found out about specific cases of violence against children. In addition, she asked why they considered it necessary to remove children from their homes pending the resolution of paternity disputes.

32. **Ms. Winter** said that she would welcome clarification as to whether children aged under 14 years, who could not be held criminally liable for an offence under law, were placed in remand homes.

33. **Ms. Sandberg** said that she would like to know whether the best interest of the child was the most important consideration when deciding whether a child should be placed into care. It seemed that some of the circumstances listed by Ms. Blyden did not necessarily warrant a child being taken into care.

34. **Ms. Blyden** (Sierra Leone) said that disputes between divorcing parents were sometimes so violent that the authorities had no choice but to remove any children from their care. Schoolteachers often acted as auxiliary social workers, reporting incidents of suspected child abuse. In addition, the Family Support Units of the Sierra Leone Police, which were of considerable assistance to officials from the Ministry of Social Welfare, Gender and Children's Affairs, had been reinforced just before the outbreak of the Ebola epidemic and would be further reinforced as the post-Ebola economic crisis wound down. Ministry officials did not wait for court orders to remove a child from an abusive environment. Action was taken immediately. Parents, however, could turn to the courts to contest any such removals.

35. **Ms.** Sarian **Kamara** (Sierra Leone) said that the National Referral Protocol had provided for the comprehensive treatment of victims and survivors of gender-based violence, who were entitled to free treatment in all public facilities. The Rainbow Centres, located at Princess Christian Maternity Hospital in Freetown and in the districts of Kono and Kailahun in the eastern part of the country, also provided care to such persons. One major stumbling block to ensuring that victims of such crimes as rape had full access to the services they were entitled to was that, by law, only a medical doctor could produce and sign the reports attesting to the harm that had been done to them. Efforts were therefore being made to ensure that other trained health-care personnel, such as midwives and community health workers, could produce those reports.

36. More training on how to respond to gender-based violence was needed, as was assistance in building the capacity of the country's medical personnel to carry out forensic examinations. The Ministry investigated reports that victims of such violence were asked to pay for their care and sometimes took punitive action in response.

37. Birth registration was a right in Sierra Leone. No parent should be asked to pay for it. Under the National Civil Registration Act, 2016, birth registration would be made compulsory, and a new agency had been set up to ensure that registration procedures were harmonized. The agency would be responsible for running an outreach campaign designed to contact parents who had not previously registered their children's birth. Mass registration efforts had continued even during the Ebola outbreak, and as a rule birth certificates were delivered immediately.

The meeting was suspended at 11.30 a.m. and resumed at noon.

38. **Ms. Ayoubi Idrissi** asked whether the law mandating the provision of free health care to victims of sexual violence was properly enforced.

39. **Ms. Blyden** (Sierra Leone) acknowledged that such victims were sometimes asked to pay for their care, in part because doctors, wary of being summoned to testify in court, preferred to treat them as they might any other patient. Amending the provision stating that cases of gender-based violence could not be successfully prosecuted without testimony from a doctor would facilitate matters greatly. Paramedical personnel were sufficiently trained to provide such testimony. Nonetheless, considerable efforts were made, particularly in larger cities, to ensure that sexual and gender-based crimes were prosecuted. She had been considering creating a directorate whose mission would be to work to change attitudes to gender-based violence in rural areas. The Ministry of Social Welfare, Gender and Children's Affairs organized meetings throughout the country to inform the population about the Child Rights Act and the laws relating to sexual or domestic violence, customary marriage and civil registration. Jingles, targeting village children, were used to encourage school attendance.

40. Child Welfare Committees, which had been set up throughout the country before the Ebola outbreak, had been effective. As the ban on public gatherings had been lifted, officials from the Ministry were focusing on re-establishing the Committees.

41. It was not just the private sector that was involved in providing early childhood services. In fact, only one month earlier, the Government, with the support of the United Nations Children's Fund, had launched an early childhood development strategy involving partnerships with a wide range of stakeholders. In addition, the Government funded the School Feeding Programme and provided schoolbooks and other instructional material.

42. Great progress had been made towards gender parity in the schools. At the primary level, girls were very nearly as likely to be enrolled as boys, and girls interested in pursuing fields of study traditionally dominated by men, such as engineering, were entitled to free education through the university level. More needed to be done, however, to encourage girls to pursue higher education. The Ebola outbreak had not helped in that regard, as it had contributed to a wave of teenage pregnancies.

43. Courses in sexual and reproductive health emphasized sexual abstinence for girls and the prevention of HIV/AIDS. The Learning Centres had been set up to ensure that pregnant girls could continue their schooling without having to endure the humiliation of attending school while visibly pregnant. They were encouraged to resume their schooling in mainstream schools after giving birth. The report of the country's Human Rights Commission, a fully independent body, was unfairly critical of the approach the Government had taken to ensuring that pregnant girls could exercise their right to education.

44. Since the reopening of the schools in 2015, primary education had been free for both boys and girls. Since early 2016, however, the parents of boys above the junior secondary level had been asked to make contributions towards covering the cost of their education. Nearly 200 schools had been built in the past three years.

45. A steering committee, made up of representatives of employers' and workers' organizations, child protection agencies and key ministries, had been established to coordinate efforts to deal with child labour. It was currently working to ensure the completion of the latest Draft National Action Plan for the Elimination of the Worst Forms of Child Labour.

46. **Ms. Aldoseri** asked whether the State party had implemented the strategy for early childhood development mentioned by Ms. Blyden. She also asked what the time frame for the strategy was and how it was funded.

47. **Ms. Aho Assouma** asked why the Ebola crisis had led to an increase in the teenage pregnancy rate and why pregnant girls were sent to specialized centres rather than being allowed to remain in mainstream schools. That practice risked revictimizing them.

48. **Ms. Blyden** (Sierra Leone) said that the early childhood development plan had been fully implemented and would be reviewed after five years. Pregnant girls were not forced to attend the learning centres; they could study at home if they wished. The centres prevented them from being bullied by their peers and further protected their mental health by providing counselling before and after the birth. Once they had received post-birth counselling, they could return to mainstream schooling. Detained women could live with their babies in prison, or their babies could be brought into the prison by relatives to be breastfed.

49. **Ms.** Sarian **Kamara** (Sierra Leone) said that interventions to promote breastfeeding had been incorporated into strategies that addressed malnutrition, a major cause of child death. Sierra Leone was part of the Scaling Up Nutrition movement, and the country's nutrition strategy promoted exclusive breastfeeding in the first six months of life and continued breastfeeding for children up to 2 years of age. Several mother and child weeks were organized each year; training materials and guidelines on breastfeeding had been developed, and communities were being engaged, partly through the more than 5,000 support groups for mothers run by community health workers. Key stakeholders, such as traditional and religious leaders, also helped to raise awareness of the importance of exclusive breastfeeding. Those interventions had succeeded in raising the breastfeeding rate for babies under 6 months to almost 60 per cent. According to the World Health Organization's guidelines, it was acceptable for Ebola survivors to breastfeed because there was no evidence to suggest that the virus was present in breast milk.

50. Although mental health was one of the Government's priorities and had been integrated into primary health care, there was a severe lack of trained staff in the country, with just two qualified doctors and two who were undergoing training; mental health was not a popular specialism for new doctors. However, a psychiatrist had been recruited from abroad thanks to a World Bank project, and, with support from various partners, a mental health clinic had been opened, which was managed by four nurses who had received high-level training in child and adolescent mental health. Furthermore, the Kissy Mental Hospital had 250 beds, although it required refurbishment. Children did not share wards with adults. A referral pathway had been developed that used algorithms to refer patients to hospital if needed.

51. Drug and alcohol abuse was a significant problem, particularly among the young. The National Drugs Act had recently been enacted and the National Drug Law Enforcement Agency established, although it was not fully operational because of a lack of funding. A national awareness-raising campaign targeted young people, and staff in different sectors were being trained to spot the signs of substance abuse. A regulatory body was working to prevent the illegal sale of prescription drugs. However, work was needed to remove drug dealers from the streets.

52. Although awareness of malaria prevention and control was high, less than half of households, and just over half of pregnant women, used mosquito nets. A review of existing educational materials was planned, along with an analysis of the barriers to the use of nets, which would allow new strategies to be developed. Additionally, community health workers would be trained in awareness-raising, and key stakeholders, such as religious leaders and men, would be involved in encouraging pregnant women to use nets. A recent meeting of the agencies involved in combating malaria had mapped the work of all partners so as to avoid the duplication of efforts. A community engagement strategy was also under development.

53. Young people had access to free condoms through a sexual and reproductive health programme and a secretariat dealing with teenage pregnancy. They could also access them at health-care facilities, which provided information on sexual and reproductive health and rights and were being made more welcoming to young people. National standards were

being developed that would define the package of services to be provided to young people; those services would include sexual and reproductive health. Lastly, a multisectoral approach for young people was being devised.

54. **Ms. Blyden** (Sierra Leone) said that Sierra Leone had enacted extremely strict laws to regulate international adoptions, which were not normally permitted except by relatives. Adoptions could not be conducted through agencies, and any foreigner wishing to adopt a child must travel to the country on several occasions to spend time with him or her under the supervision of social workers. They must also agree to submit an annual report from their country's social services.

55. **Ms. Ayoubi Idrissi**, thanking the delegation for its engagement in the dialogue, said that the Committee noted the State party's commitment to the rights of the child and looked forward to receiving information regarding female genital mutilation, sexual and gender-based violence, free and universal birth registration and education. She reiterated the Committee's view that pregnant girls whose pregnancies were the result of statutory rape should not be prevented from attending school. She looked forward to receiving positive news about the implementation of an effective data-collection system and the opportunities and care provided for children with disabilities.

56. **Ms. Stevens** (Sierra Leone) said that Sierra Leone had championed many Human Rights Council resolutions relating to children, demonstrating that its commitment to the rights of the child transcended its borders.

57. **Ms. Blyden** (Sierra Leone) said that the State party was unequivocally opposed to female genital mutilation. A strategy to combat it was being developed, and female practitioners were being used to spread the message. While she noted the Committee's concerns regarding sexual and gender-based violence and access to education, it was important to remember that the Government's practice of placing pregnant girls in special learning centres was aimed at protecting their social and mental well-being. The dialogue with the Committee had allowed for reflection and learning, and the State party would continue to engage with the Committee under the guidance of the President.

58. **The Chair** said that the Committee would welcome written information on the issues that had not been discussed during the dialogue. He hoped that the concluding observations would receive close attention and that, with the help of the Committee, the State party would be empowered to realize the rights of the child in Sierra Leone.

The meeting rose at 1 p.m.

United Nations CRC/C/SR.2138

Convention on the Rights of the Child

Distr.: General
22 September 2016

Original: English

Committee on the Rights of the Child
Seventy-third session

Summary record of the 2138th meeting
Held at the Palais Wilson, Geneva, on Thursday, 15 September 2016, at 3 p.m.

Chair: Mr. Mezmur

Contents

Consideration of reports of States parties (*continued*)

Fifth periodic report of New Zealand

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of the present document* to the English Translation Section, room E.6040, Palais des Nations, Geneva (trad_sec_eng@unog.ch).

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.16-16132 (E) 210916 210916

1616132

Please recycle

The meeting was called to order at 3 p.m.

Consideration of reports of States parties (*continued*)

Fifth periodic report of New Zealand (CRC/C/NZL/5; CRC/C/NZL/Q/5 and Add.1)

1. *At the invitation of the Chair, the delegation of New Zealand took places at the Committee table.*

2. **Ms. Tolley** (New Zealand), introducing her country's fifth periodic report (CRC/C/NZL/5), said that the Government of New Zealand was committed to improving the well-being of all children and young people living in the national territory, particularly those who were vulnerable, at risk or disadvantaged. The report had been informed by consultations held with children, non-governmental organizations (NGOs) and the general public and, once completed, had been made publicly available to assist civil society in preparing alternative reports for the Committee's information.

3. Her Government was committed to giving full effect to the provisions of the Convention and drew upon the Committee's concluding observations and recommendations to help it achieve that goal. It had directed many of its resources towards assisting the most vulnerable children and was undertaking a complete overhaul of the national care and protection system for children amid concerns that the existing operating model was seriously underperforming. A panel of independent experts and a youth advisory panel composed of young people with experience of State care had been appointed in early 2015 to advise the Government on how best to conduct the overhaul. Special attention had been paid to the needs and concerns of vulnerable children and young people during that process. The panel of independent experts had found that the Child Protection Agency often failed to intervene early enough to provide the necessary support to vulnerable children and young people and that fundamental changes were required to improve its performance.

4. The results of a study had also highlighted the need to provide vulnerable children and young people with better support, as, by the age of 21, children in care were more likely to be claiming welfare benefits, not to have obtained the secondary school qualifications that were an entry-level requirement for jobs and some higher education courses and to have come into conflict with the law.

5. Based on the report submitted by the panel of independent experts, the Government had decided to raise the maximum age for receiving State care and protection to 18 years with immediate effect and was considering the possibility of raising it further to 21 years. Although the new operating model of the national care and protection system for children would be in place by the beginning of April 2017, it could take up to five years to implement all the changes entailed by the overhaul of the existing system. The new operating model would focus on providing five core services: prevention services, intensive intervention services, care support services, transition support services and a youth justice service intended to prevent offending and reoffending. A social investment approach, which would entail money being spent up front to provide vulnerable children and young people with a better life, would be used to ensure that those children and young people received the necessary care and support when they needed it.

6. Furthermore, a new ministry for children, known as the Ministry for Vulnerable Children, Oranga Tamariki, would be responsible for delivering the aforementioned core services. Priority would be given to reducing the disproportionate number of Maori children and young people in the national care system and to providing children who were at risk of harm with vital services, such as trauma support, as soon as they became necessary. Legislative initiatives intended to raise the maximum age for receiving State care and protection to 18 years, to ensure that children's views on decisions affecting them were taken into consideration and to establish an independent youth advocacy service were

currently before Parliament. The independent youth advocacy service would play a significant role in ensuring that the voices of children were heard.

7. The Government was also considering making further changes to benefit young people as they transitioned out of the national care and protection system, including granting them the right to remain in or return to State care until the age of 21 and meeting the needs of exceptionally vulnerable young people in transition until the age of 25. It was also planning to provide caregivers with robust and targeted support and to set national standards for the quality of care provided in placement homes.

8. The panel of independent experts had also recommended raising the age of eligibility for the juvenile justice system to include young people aged 17. The Government was still working to determine the feasibility of that recommendation.

9. Since New Zealand had last reported to the Committee, the Government had strengthened its response to child poverty by introducing a material hardship package for children worth 790 million New Zealand dollars (NZ$) at the beginning of April 2016, which had raised benefit rates for families, increased tax credit payments for low-income working families and increased childcare assistance payments. Over 500,000 children were expected to benefit from that package. In addition, NZ$295 million had been spent on making infrastructural improvements to State care homes and investments had been made in an attempt to raise academic achievement levels and to provide better assistance to priority groups of students, such as those from underprivileged backgrounds, Maori and Pacific students and students with special educational needs. Moreover, the Government's policy of exempting children under 13 years of age from paying medical fees had served to improve access to primary health care. Under that policy, the entitlement to free visits from general practitioners and assistance with the cost of standard prescriptions enjoyed by children under 6 years of age had been extended to all children under 13 years of age eligible for public health care.

10. The 2016 Household Incomes Report, prepared on the basis of data collected before the material hardship package for children had been introduced, showed, inter alia, that, while still unacceptably high, there had been no rise in poverty or material hardship trends for children in recent years. Over the next four years, the Government intended to invest an additional NZ$200 million to guarantee those most in need access to social housing.

11. The Childhood Obesity Plan, which had been launched in October 2015, consisted of 22 initiatives and focused on interventions aimed at preventing and managing obesity in health-care, education and community settings. The Government had succeeded in improving children's health-care services in general and in granting children belonging to marginalized groups greater access to core health-care services. In that connection, the Government had identified five core health-care services for children belonging to the 0-5 age group that it considered to be critical for their healthy development and learning, which included midwifery or maternity services, early childhood education, general practitioner services and community oral health services. Given that between 80 and 96 per cent of families already enjoyed access to those services, the Government's focus was now on guaranteeing all remaining families access thereto. Moreover, the child immunization rate for children aged 8 months had risen from 86 per cent to 93 per cent since 2012, with the disparity between the immunization rates for Maori and non-Maori children having been greatly reduced. By the age of 1 year, 95 per cent of all children were fully immunized.

12. The Prime Minister's Youth Mental Health Project, launched in 2012 and to be implemented over a period of four years, consisted of a package of initiatives focusing on young people aged between 12 and 19 who suffered from, or who were at risk of developing, mild to moderate mental health problems. The aim of the project was to help

prevent mental health problems from developing and to improve the access of young people in need to the appropriate services.

13. The Children's Action Plan, which had also been launched in 2012, and the Vulnerable Children Act 2014, made the chief executives of key government agencies working in the social sector jointly accountable for taking action to protect the children of New Zealand from harm and for engaging with families and communities. In that connection, children's teams were being formed in both urban and rural communities for the purpose of addressing the needs of children who were at risk but whose situation did not yet necessitate them being placed in State care. The teams worked with the children in question to develop a tailored plan as a means of ensuring that they received all the support that they needed to thrive.

14. The Youth Crime Action Plan had led to a substantial reduction in child and youth offending since 2011, with the number of court appearances of young people aged between 14 and 16 years having fallen by 39 per cent by the end of 2015. The Government had provided substantial support to the Whānau Ora initiative as a means of delivering services directly to marginalized Maori and Pacific families. The Government was also in the process of introducing best practice guidelines for use by government agencies in considering the impact of policies and legislation on children and young people. The guidelines encouraged those agencies to seek direct input from children when formulating major policy and legislative proposals.

15. While it was committed to ensuring that all children had the opportunity to reach their full potential and, to that end, had decided to focus on those children who were vulnerable or at risk, the Government also recognized that it needed to do more to achieve that goal and would welcome input from the Committee on how it could make further improvements.

16. **Ms. Aldoseri** (Coordinator, Country Task Force) said that there was a clear discrepancy between the Care of Children Act, which defined a child to be any person under the age of 18, in keeping with the Convention, and the Children, Young Persons, and Their Families Act 1989, which effectively denied young people aged 17 access to statutory protection and the juvenile justice system. She asked which of the two laws was used to determine whether a young person aged 17 should be treated as a child or not. Noting that, in New Zealand, children as young as 16 years old could marry with parental consent and that they were no longer treated as children upon entering into marriage, she asked whether the State party planned to raise the minimum legal age for marriage to 18 years for both boys and girls.

17. **Ms. Sandberg** (Country Task Force) said that she failed to understand why the scope of application of the Convention could not be extended to cover Tokelau, which was a non-self-governing territory of New Zealand. She asked whether the State party had set a time frame for extending the application and whether it intended to withdraw its reservations to the Convention.

18. She also asked whether the State party planned to undertake a comprehensive review of all legislation affecting children to ensure its conformity with the Convention. Noting that the State party's policy on children focused almost exclusively on vulnerable children and that many of its resources had been directed towards assisting those children, she recalled the need for it to develop a comprehensive policy that covered all children living in the national territory and to ensure the equitable distribution of resources. She enquired whether the State party had plans to make its policy on children more inclusive, particularly in view of the reform process that was already under way, and how the State party addressed inequalities among children through budgeting. She drew the delegation's attention to the Committee's general comment No. 19 on public budgeting for the

realization of children's rights, which provided useful guidance on that subject. She also enquired whether the State party planned to adopt the practice of conducting a child rights impact assessment prior to setting the national budget and how it identified and monitored the budgetary resources allocated to children.

19. The delegation should provide additional information on the role played by the Social Sector Deputy Chief Executives in coordinating efforts to implement the Convention and explain how their role differed from that played by the Ministry of Social Development. It would be helpful to know whether the new Ministry for Vulnerable Children would contribute to those efforts.

20. **Mr. Nogueira Neto** (Country Task Force) asked when the State party intended to put in place a more comprehensive information system to ensure the availability of disaggregated data on all of the issues covered by the Convention and to facilitate the analysis of the situation of all children living in New Zealand, particularly those belonging to vulnerable groups. It would be useful to know whether the State party planned to introduce a mechanism to ensure that those data were shared with all relevant government ministries and agencies and that they were used for the purposes of monitoring and assessing the effectiveness of policies, programmes and projects designed to implement the Convention. In that connection, he wished to know whether the State party made use of the document prepared by the Office of the United Nations High Commissioner for Human Rights entitled *Human Rights Indicators: A Guide to Measurement and Implementation* in collecting, analysing and disseminating statistical data and information. He also wished to know whether the State party envisaged stepping up its awareness-raising and dissemination activities to ensure that the provisions of the Convention were widely known by the general public, professionals working with children and children themselves. He recalled the need to include a human rights component in curricula and study plans at all levels of education. What was the State party doing to reach out to children who were illiterate or who had not received a formal education? How did it plan to enhance the training on the Convention dispensed to all professionals working with children and public officials?

21. Lastly, he asked how the State party ensured that businesses in New Zealand complied with international and national standards concerning children's rights and that private sector companies providing essential services for children and trans-Pacific investment and trade agreements adhered to the principles enshrined in the Convention. The delegation should also indicate whether the State party had adopted corporate social responsibility standards for corporations operating inside and outside New Zealand.

22. **Ms. Muhamad Shariff** (Country Task Force) said that there were still marked disparities between the social, economic and health outcomes of groups of vulnerable children — including the Maori, Pacific children, refugees, children in care, disabled children and children living in isolated and rural communities — and those of other children, which hampered the full realization of vulnerable children's rights. Maori and Pacific children were particularly disadvantaged, as evidenced by the higher mortality, suicide and obesity rates and lower birth weights recorded. Moreover, the participation rate of Maori and Pacific children in early childhood education was lower and Maori and Pacific students tended to leave school with fewer qualifications and were less likely to enter the labour market after having completed their studies.

23. The Committee had identified a number of laws that were discriminatory towards certain groups of children and/or their parents, including the social security legislation rewrite bill and the Adoption Act 1955. Moreover, it appeared that a child's cultural and ethnic background was not taken into account during the adoption process. In addition, there was no national strategy to ensure that children and young people with diverse sexual orientation or gender identity received the necessary support services. The Committee was

concerned by reports that migrant and refugee children were often subjected to racism, prejudice and discrimination on the basis of their ethnic and national origin. Moreover, the State party's reservation to article 2 of the Convention adversely affected children who were in New Zealand unlawfully. The Committee had also identified a number of laws that limited children's access to information on the basis of age, including the Adult Adoption Information Act 1985 and the Human Assisted Reproductive Technology Act 2004. Young people aged 17 were excluded from the scope of the special protection measures provided for in the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003 and the Criminal Investigation (Bodily Samples) Act 1995 and, under the Minimum Wage Act 1983, young workers under the age of 16 were not entitled to the adult minimum wage despite performing the same work. The age of criminal responsibility in the State party also remained unacceptably low. She invited the delegation to outline the measures that it had taken or planned to take to address all the aforementioned disparities and discriminatory practices and to explain how the initiatives mentioned in the periodic report had served to improve the situation of Maori and Pacific children. Was there a mechanism in place to ensure that the potential impact of policies and legislation on Maori children was systematically assessed prior to their development and adoption?

24. The Committee was also concerned that the Family Dispute Resolution mechanism introduced as part of the recent reform of the family court system did not include a procedure for soliciting children's views or criteria for determining the best interests of the child. She asked how the principle of respect for the best interests of the child was applied during judicial proceedings involving children, including adoption proceedings, in schools and in health-care settings.

25. She asked whether the budgetary framework took into account the best interest of the child as a criterion for financial decisions and resource allocation. Did the State party plan to amend or review the legislation regarding adoption?

26. With regard to respect for the views of the child, she said that the Family Dispute Resolution Act 2013 should be amended to allow the child's voice to be expressed and heard so that children could effectively participate in proceedings affecting them. Under the Adoption Act, there were no mechanisms to ensure that the independent views of the child were heard, apart from through a social worker. How were the views of disabled children, including those with communication disabilities, taken into consideration? What mechanisms did the Government have to systematically collect and include the views of children when formulating policies and laws affecting them? What systematic training opportunities were available to staff of government agencies to develop expertise in engaging with and analysing the views of children and young persons?

27. Between 2007 and 2011, more than 200 children under 14 years of age had died from unintentional injuries. Moreover, in 2015, after examining a 2-year-old girl who had died from respiratory disease, the coroner had stated that the conditions of the State institution in which she had lived might have contributed to her illness. Had the State party had conducted any research or studies to determine the root causes of youth suicides, especially among Maoris? Were any prevention programmes in place? Had New Zealand taken measures to reduce the number of deaths by non-accidental injury?

28. **Ms. Aldoseri**, referring to the high number of child deaths resulting from maltreatment, asked whether programmes were in place to educate the general public on emotional abuse and chronic need, which might eventually lead to violence. She also asked whether there were culturally appropriate programmes for the Maori and Pacific populations. She wondered whether the State party planned to develop a comprehensive national policy to combat abuse and neglect and what impact the Children's Action Plan had had thus far in countering child abuse in New Zealand. The State party should provide data on the number of cases of physical and sexual abuse of children in government-run and

private institutions, as well as on the number of investigations carried out. It should also provide data on sanctions handed down to perpetrators and on forms of redress, including compensation, granted to victims. She enquired what precautions were in place to ensure the safety of children who reported being abused by staff members of institutions. Information on the free post-abuse care and rehabilitation programmes available to victims would be welcome.

29. Noting the prevalence of bullying in schools, particularly of children with disabilities, LGBTI children and small children, she asked whether the State party planned to systematically collect data on such bullying. She also asked what impact anti-bullying initiatives had had thus far and whether the State party planned to establish a fully funded anti-bullying programme nationwide or to amend the Education Act 1989 so that schools were obliged to prevent bullying. The Committee would welcome an update on the most significant results of the Bullying Prevention Advisory Group.

30. On harmful practices, she wished to know what efforts were being made to legally prohibit the practice of genital normalization surgery on intersex children who were not old enough to give their informed consent. She also wished to know what social support services and accompanying financial aid were available to intersex children and their families and whether there were any education programmes that addressed intersex children. Lastly, the State party should provide data on child marriages, including reported cases of forced marriages.

The meeting was suspended at 3:50 p.m. and resumed at 4:15 p.m.

31. **Mr. Coster** (New Zealand) said that the Care of Children Act and the Children, Young Persons, and Their Families Act, had different purposes, which were clearly stated in each Act, and that their provisions were applied in accordance with those statements. However, the Care of Children Act described situations in which the child's welfare and best interest must be taken into account, and the provisions in that Act extended to other Acts and situations. There were no plans to raise the legal age of marriage in New Zealand.

32. **Mr. Reaich** (New Zealand) said that Tokelau had unique constitutional status and faced a range of challenges, which stemmed from its extreme geographic isolation and small population of 1,400 people. The Government of New Zealand was focused on improving the education and health of the children of Tokelau, but would nevertheless continue to discuss the possible extension of the application of Convention to the island with the local government.

33. Concerning the consistency between the Trans-Pacific Partnership (TPP) agreement and other international agreements, he said that article 1.2 of the agreement stated the parties' intention for the TPP to coexist with their existing international agreements and that the agreement included a chapter on labour that prohibited, inter alia, child labour. Moreover, the treaty had been the subject of an extensive consultation process and had been passed by Parliament. The Government of New Zealand was not planning to remove its reservations to the Convention.

34. **Ms. Tolley** (New Zealand) said that the Government was not planning to conduct a comprehensive review of all legislation concerning children.

35. **Ms. Roberts** (New Zealand) said that the Vulnerable Children's Act 2014 provided a statutory mechanism to establish priorities and agree on a national plan for improving the well-being of vulnerable children. As a result, the Children's Action Plan had been introduced and a number of initiatives, including Children's Teams and services for children, had been rolled out. The Government was collecting information and data on the Plan to inform further initiatives.

36. **Ms. Tolley** (New Zealand) added that the Government was taking measures to ensure that all children, and not just vulnerable children, had access to universal services such as education and health in order to thrive and succeed.

37. **Ms. Roberts** (New Zealand) said that senior officials from across the social and justice sectors, representing 13 agencies, met regularly to coordinate their work programmes and monitor progress.

38. **Ms. Tolley** (New Zealand) said that the Vulnerable Children's Board focused on children in New Zealand who were most at risk, particularly those in State care. As to budgeting for children, there was not a specific budget for children, but ministers worked closely together to ensure that government resources were allocated in a way that would most improve the lives of the people.

39. **Ms. Roberts** (New Zealand) said that Statistics New Zealand collected a large amount of data on children and young persons that were used to inform policy and administrative practices. Moreover, research units within all government agencies published data and research. A new initiative known as the Integrated Data Infrastructure was also in place, which was a large inter-agency research database that provided linked microdata on people and households.

40. The State party had established guidelines on best practices for child impact assessment to raise awareness of the Convention and to take the rights and views of children into consideration when developing policy and legislation. The guidelines were intended for all public sectors and were designed to make users consider how a policy or legislation might affect children's lives, both directly and indirectly.

41. **Mr. Tuohy** (New Zealand) said that the Government had developed materials, some of which were pictorial, to facilitate communication with persons with a wide range of disabilities, so that they would be able to participate in the development of public policies.

42. **Mr. Gurán** said that the Committee had not received much information about the Office of the Children's Commissioner. He asked who nominated the Children's Commissioner; why the Commissioner reported directly to the Ministry of Social Development and not to Parliament; and whether the Office had a complaints mechanism that allowed children to file complaints relating to the violation of their rights. Had any complaints been received and, if so, what type of complaints? The Committee would welcome further information on the mandate of the Commissioner.

43. **Ms. Sandberg** expressed concern about the lack of funding for the Office of the Children's Commissioner, the budget of which had not increased since 2010, and the fact that only one person, the Commissioner, was responsible for looking into the 6,000 complaints received per year. While she welcomed the State party's efforts to improve the lives of vulnerable children, she reiterated that the Convention was comprehensive and that the rights contained therein were indivisible.

44. **Ms. Tolley** (New Zealand) said that she, the Minister for Social Development, was responsible for nominating the Children's Commissioner to the Prime Minister, who was then appointed by the Government. However, the Commissioner was independent and was not required to report to the Minister. The Office of the Children's Commissioner had several staff members and produced an annual state of care report that underpinned concerns about care and protection and proposed relevant changes. The Office was currently being reviewed and the complaints mechanism was being redesigned, in consultation with children and young persons. As to the concern expressed about funding for the Office, she said that the Commissioner had not requested a budget increase and that such an increase would be considered once the Office had been reviewed and redesigned.

45. **Ms. Roberts** (New Zealand), in response to a question about the business sector's compliance with national and international standards, said that all businesses operating in New Zealand were subject to national legislation, including its labour, human rights and commercial laws. New Zealand had also agreed to the Organisation for Economic Co-operation and Development (OECD) Guidelines for Multinational Enterprises and had ratified a number of International Labour Organization (ILO) Conventions.

46. **Mr. Coster** (New Zealand) said that each government agency was responsible for addressing any discrimination against or disparities between the different groups that benefited from its services. All government agencies were committed to that task.

47. **Mr. Tuohy** (New Zealand) said that the Human Assisted Reproductive Technology Act 2004 stipulated that the interests of the child should be taken into account, while also addressing the rights of the woman.

48. **Ms. Grennell** (New Zealand) said that the Ministry for Maori Development, Te Puni Kōkiri played a key role in advising on policies that affected the Maori people and in implementing an innovative approach that supported good outcomes for them. The Whānau Ora approach placed families at the centre of the decision-making process and supported them so that they could address their own issues and challenges. It aimed to improve economic, health, education and housing outcomes for Maori families. Representatives of lead ministries in the social sector collaborated with Maori tribal leaders to oversee the implementation of Whānau Ora.

49. The Ministry for Maori Development was also focused on improving the quality of housing for Maori, particularly in remote, rural communities, and it gave priority to households with children. The agency sought to support the collective ownership of housing by Maori communities, particularly on their traditional lands, with a view to increasing the supply of affordable new homes.

50. The Ministry for Maori Development was working in collaboration with the Ministry of Health to implement a strategy focused on reducing the suicide rate among Maori youth. It funded youth-led community initiatives to combat cyberbullying and worked with lesbian, gay, bisexual, transgender and intersex (LGBTI) communities, as Maori youths in those communities often faced stigma and double discrimination. A summit on youth suicide prevention would be held in 2017.

51. **Mr. Tuohy** (New Zealand) said that the Ministry of Health played a proactive role in addressing the poor health outcomes experienced by certain groups. It also implemented a programme to prevent unintentional injuries among children. For example, investments had been made in the installation of fencing around homes to prevent driveway run overs and provide children with a safe place to play. The number of driveway run overs had thus been reduced by half in the last five years.

52. The number of children dying from diseases that could be prevented through immunization had been dramatically reduced, as immunization coverage for children 1 year of age stood at 95 per cent. Safe sleeping devices were provided to families with a view to preventing unexpected sudden death in infancy. The prevalence of rheumatic fever had been reduced by 45 per cent, largely by reducing overcrowding in Auckland homes. The number of smokers among the Maori adult and adolescent populations had also been reduced dramatically.

53. His Government had committed to reaching the target set by the World Health Organization with regard to reducing the rate of youth suicide, which affected Maori and LGBTI youth in particular.

54. **Ms. Tolley** (New Zealand) said that the Ministry for Pacific Peoples led a range of targeted programmes for that population group in collaboration with other ministries, such

as the Ministry of Health and the Ministry of Education. The new Ministry for Vulnerable Children would replace the former agency known as Child, Youth and Family, which had dealt with children in crisis, and would deal specifically with children living in dysfunctional families who were in danger of abuse or neglect. The State social sector as a whole did address the needs of all children in the country by providing universal services. The Ministry for Vulnerable Children, however, would focus on children who were at risk and required special intervention.

55. **Mr. Coster** (New Zealand) said that the Care of Children Act expressly stated that its purpose was to promote the welfare and best interests of children. It contained provisions covering proceedings under other acts, establishing that children's views should be taken into account in proceedings affecting the day-to-day care of children. It also stipulated that the court should appoint a lawyer to represent the interests of the child.

56. Various reforms had been made to the family courts so as to place greater emphasis on children's needs. The Family Dispute Resolution Act provided for mediated proceedings to take place before resorting to the more adversarial courtroom environment. The Care of Children Act ensured that children's views were reflected both in those mediated proceedings and in more formal court proceedings.

57. **Ms. Sandberg** asked whether children expressed their views themselves to the mediator during dispute resolution proceedings or whether that was done through their parents. She wondered whether mediators were aware of the obligation to hear the child's views, since it was not stated in the Family Dispute Resolution Act.

58. **Mr. Coster** (New Zealand) said that, pursuant to the Care of Children Act, children must be given a reasonable opportunity to express their views, which could be done by the child directly or through a representative. The Act did not explicitly state how representation by a parent should be managed. The mediator had a professional obligation to ensure that the views of the parents and the child were carefully balanced. If the dispute could not be resolved through dispute resolution proceedings, a lawyer could be appointed to represent the child in court.

59. It was the Care of Children Act that contained the actual legal provisions on family dispute resolution, whereas the Family Dispute Resolution Act was simply an enabling law to support the machinery set out in the Care of Children Act.

60. **Ms. Tolley** (New Zealand) said that if even one child's life was lost through unintentional injury, that was one life too many. Her Government was doing everything it could to prevent such injuries.

61. **Mr. Coster** (New Zealand) said that his Government fully acknowledged that there was room for improvement with respect to the abuse and neglect of children and that clear protocols were in place to report and deal with suspected abuse. The police worked in close collaboration with schools, which often reported suspected cases of abuse. The increase in reporting was considered to be a reflection of increased trust and confidence in the system.

62. A promising pilot programme currently under way focused on collaboration among various agencies to exchange information and avoid duplication, in order to identify gaps and intervene more effectively for children at risk. It was hoped that the pilot project would be expanded and rolled out in other areas. A clear protocol was in place for dealing with situations of possible mass scale abuse, such as in schools or residential care institutions. Investigations were carried out, with a focus on wide searches for victims who might not have come forward initially. There was also a strong protocol for removing children from families where they were at serious risk and monitoring less serious situations where removal was not deemed necessary.

63. **Ms. Grennell** (New Zealand) said that the participation of tribal leaders was key in programmes to prevent child abuse in Maori communities, as it increased the likelihood that families would participate. Tribal leaders had given broad support to the multi-agency approach to raise awareness about violence and abuse and had spoken out firmly against child abuse.

64. **Ms. Tolley** (New Zealand) said that, in addition to the focus on child protection, multi-agency efforts were also under way to reduce family violence as a whole. The pilot programme previously referred to had shown positive results thus far, but it had also brought to light some serious gaps in services that must be addressed. In addition to assisting victims, her Government was also making greater efforts to ensure that perpetrators received the necessary support so that they would not reoffend.

65. **Mr. Tuohy** (New Zealand) said that his Government took very seriously the coroner's report indicating that the cold and damp home provided by Housing New Zealand had contributed to the death of a child. The Government recognized that a substantial proportion of homes did not meet quality standards, and the work already under way to improve those conditions had been accelerated as a result of that tragic death. From the 2016 budget, 18 million New Zealand dollars had been allocated to provide better housing for larger numbers of families. It was expected that about 25,000 low-income families would benefit from the expanded Healthy Housing initiative. That initiative covered the costs of interventions such as floor coverings, insulation and minor repairs with a view to improving the residents' health.

66. **Mr. Wales** (New Zealand) said that the Secretary for Education had established the Bullying Prevention Advisory Group in 2013. It was made up of 17 governmental and non-governmental organizations and was aimed at reducing the prevalence of bullying in schools. The Advisory Group had produced a set of guidelines on bullying and continued to assist schools with their implementation. It had also been responsible for the establishment of a new website for schools, had sponsored and helped to organize the inaugural Bullying-free New Zealand Week and had overseen the introduction of new guidelines for schools on cyberbullying. It was difficult to collect data on bullying because schools in New Zealand were self-managing, although some data were available through the Wellbeing@School survey. The Advisory Group was exploring ways of improving data collection procedures. The Education Review Office reported on the strategies used by schools to ensure a safe physical and emotional environment and reviewed their bullying prevention and response policies and practices. Schools were required to provide a safe physical and emotional environment for pupils and, as part of the ongoing review of the Education Act, consideration was being given to the possibility of enshrining that requirement in primary legislation.

67. **Ms. Roberts** (New Zealand) said that, on 1 March 2013, the starting-out wage had replaced the new entrants' minimum wage for new entrants aged under 20 years. They were paid 80 per cent of the adult minimum wage for the first six months of their employment or for as long as they were undertaking training involving at least 40 credits per year. The aim of the starting-out wage was to reduce unemployment rates among persons aged between 16 and 19 years by providing incentives for employers to offer them work opportunities. In 2016, the Ministry of Business, Innovation and Employment would undertake a post-implementation review of the starting-out wage.

68. In its concluding observations on the combined third and fourth periodic reports of New Zealand (CRC/C/NZL/CO/3-4), the Committee had recommended that children should be given a greater say in the adoption process. Although adoption legislation had yet to be amended with that recommendation in mind, adoption practice continued to develop and remained broadly consistent with the New Zealand Bill of Rights and the Convention. Under current legislation, adoption orders were not conditional on the child's consent, but

they were made with consideration to his or her interests. It was acknowledged that open adoption could serve to protect a child's identity. The courts took a modern approach to the interpretation of the language of the Adoption Act.

69. **Mr. Tuohy** (New Zealand), responding to the Committee's questions on intersex children, said that, although there was no legislative framework to prevent the genital normalization of children, all citizens of New Zealand were covered by the Code of Health and Disability Services Consumers' Rights and all medical practitioners worked under the authority of the Medical Council of New Zealand. There was a multidisciplinary network of surgeons and endocrinologists who discussed all cases related to gender, and its default practice was to avoid surgical intervention. It dealt with between 20 and 30 cases per year. According to hospital records, since 2006, no children had underdone gender normalization surgery. The parents of intersex children were put in touch with one another and were offered peer support. He was not aware of any specific programmes for intersex children in the education sector.

70. **Mr. Coster** (New Zealand) said that there had been no confirmed reports of forced marriage in New Zealand. Only a few days previously, the Government had announced the new offence of coercion to marry. As a specific offence, its prevalence would be officially monitored. The Government took a proactive approach to working with communities and NGOs to address issues relating to child marriage, in particular in minority communities. He was unsure whether a specific data set on child marriage was available.

71. **Ms. Sandberg** said that she wished to know how the right to privacy would be protected in the implementation of the Vulnerable Children Approved Information Sharing Agreement. While the NetSafe Kit for Schools protected children aged under 14 years from information that might be harmful to them, she wished to know how children aged between 14 and 18 years would be protected.

72. She would be grateful for more information on how the State party planned to address the challenges faced by caregivers. What more could be done to support Maori parents? With regard to social work, she would also like more information on the deficiencies in service provision. It would be helpful to know whether children were involved in the current reform of the care system. How often did the Youth Advisory Group meet and did it exert any real influence? In the light of the conclusions of the Children's Commissioner's 2016 State of Care report, she wished to know whether a unified conception of child-centred practice would be promoted, how the quality of care services for children would be maintained in the period of transition between the current and future operating models and whether children would be consulted in decision-making processes regarding their care. It would also be helpful if the delegation could comment on the root causes of the disproportionate representation of Maori children in the care system and the measures taken to enable Maori parents to improve outcomes for their children.

73. With regard to the placement of children in care, she asked whether robust criteria for decision-making had been developed, what efforts had been made to ensure that children in the care system were connected with their culture and how foster care and residential care placements were monitored. She requested the delegation to comment on reports that children were sometimes placed in care via informal arrangements and on how effective the complaint mechanism for children in care was. She wished to know how the new youth advocacy service would be funded and whether its funding would be sufficient. Lastly, she would be grateful if the delegation could comment on the security of the care provided for children.

74. **Ms. Muhamad Shariff** said that she wished to know whether the budget for health-care services for children with disabilities had been increased, whether it was sufficient, whether there were enough specialist doctors to treat such children and whether an

assessment of the health-care services provided for them had been conducted. On the subject of children with disabilities, she would be grateful for more information on a case lodged in 2008 that had yet to be heard by the Human Rights Review Tribunal.

75. She enquired whether children under the age of 6 years had access to free primary health care outside business hours and whether health care was free for all children until the age of 18 years. It would be helpful to know what measures had been taken to counter childhood obesity, whether there were any plans to improve the provision of primary health-care services for socioeconomically deprived communities, what was being done to ensure equitable health outcomes for Maori and Pacific children and whether steps had been taken to develop a health impact assessment mechanism to inform climate change policies and corresponding health sector planning.

76. She enquired whether the National Breastfeeding Committee would be re-established, whether a national breastfeeding coordinator would be appointed and whether there were plans to promote breastfeeding by introducing legislation in line with the International Code of Marketing of Breast-milk Substitutes and relevant World Health Organization resolutions thereby ensuring that industry practice was monitored and sanctions were imposed for non-compliance. She asked whether programmes had been implemented to reduce the number of pregnancies among girls aged 15 to 18 years.

77. With regard to suicide, she asked whether the New Zealand Suicide Prevention Action Plan 2013-2016 would be extended or replaced, whether any research had been conducted on the high rate of suicide among young people of Maori ethnicity, what kind of support had been given to the families of victims, and whether the budget would be increased. Information would be welcome on any programmes and awareness-raising campaigns aimed at reducing alcohol consumption among young people, the regulation of alcohol advertising and the protection of children from the dangers of second-hand smoke. Information would also be welcome on children living HIV/AIDS and the treatment with which they were provided. She wished to know what measures were taken to ensure that children who had an incarcerated parent or who lived with a parent in prison did not experience discrimination. In such cases, how were the best interests of the child taken into account?

78. Concerning poverty, she asked whether an official estimate of the number of children living in poverty had been made. Many children lived in poor-quality housing, which adversely affected their health. She also asked whether data were collected on homeless children and what efforts had been made to meet the Sustainable Development Goal to reduce poverty by 50 per cent by 2030.

79. **Ms. Aldoseri** said that she wished to know whether children were involved or were being consulted as part of the review of the Education Act and what efforts were being made to reduce the disparities in school performance between ethnic groups. Maori children, for example, tended to perform worse than average at school, but were more frequently excluded or expelled and were overrepresented in disciplinary statistics. She also wished to know how private, for-profit early childhood education and care institutions were monitored and what measures were being taken to increase the enrolment of Maori and Pacific children in schools, especially in preschools, as well as to promote the enrolment of all children illegally resident in New Zealand. Were any training programmes on Maori culture organized for education and childcare professionals?

80. More information on alternative education would also be welcome. She wished to know whether the Success for All programme, which had recently been completed, would be replaced with another programme in order to sustain efforts to achieve inclusive education for all children, including marginalized and disadvantaged children. She also wished to know whether the principle of inclusive education had been incorporated in the

Disability Strategy and Disability Action Plan and what steps had been taken to incorporate the Sustainable Development Goals into the public policy framework.

81. **Mr. Madi** said that the Immigration Amendment Act 2013 was reportedly discriminatory because, pursuant to its provisions, the treatment of a refugee or asylum seeker depended on whether or not he or she had been part of a mass arrival group and the rights of successful asylum seekers to reunite with their families, including children, was restricted. It would be helpful if the delegation could explain the procedure by which legal assistance and legal guardians were provided for unaccompanied child refugees and asylum seekers. He wished to know: whether a mechanism had been implemented and specialist staff had been trained to identify child refugees and asylum seekers who might have been involved in armed conflict; whether such children were offered psychological support with a view to ensuring their reintegration; whether a system had been put in place to prevent terrorist groups such as the Islamic State in Iraq and the Levant from using the Internet to recruit children; and whether any children had left New Zealand to join such terrorist groups.

82. The Committee would be grateful for more information on the Health and Safety at Work Act 2015, which seemed neither to recognize the vulnerability of young workers nor to require a duty of care towards them. He wondered whether the new Act addressed the fact that children aged 12 years and over were permitted to drive tractors on farms. Similarly, it was unclear whether the State party had ratified the International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138) and whether procedures had been introduced to prevent children from working in hazardous environments. He would also be grateful for data on homeless children.

83. With regard to juvenile justice, many of the Committee's previous recommendations had not been implemented. Children aged 10 years or older could be prosecuted for serious offences, children aged 12 and 13 years could be prosecuted for serious or repeated offences in the Youth Court and children aged 16 years who were married or in a civil union were tried in criminal courts, as were all children aged 17 years. Despite the State party's reservation to article 37 (c) of the Convention, the Committee continued to be concerned that many imprisoned children aged under 18 were held in adult prisons. Alternative measures to detention for children were not in place, and the principle that detention should be used as a measure of last resort and for the shortest possible time was not fully respected. More could be done to counter discrimination against children from minority groups. In that connection, he would be grateful for additional information on the results and effectiveness of the review of Police and iwi/Maori relationships mentioned in paragraph 227 of the State party report.

84. Despite the request for information made in paragraph 16 of the list of issues (CRC/C/NZL/Q/5), the State party had not responded satisfactorily to the Committee's request for detailed updated information on measures taken in follow-up to the Committee's concluding observations concerning the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/CO/2003/NZL). He would be grateful for a complete response. Although it was indicated in paragraph 235 of the State party report that the recruitment and use in hostilities by armed groups of persons under the age of 18 years was prohibited and criminalized "in broad terms" those acts should be explicitly criminalized. He wished to know whether New Zealand had established extraterritorial jurisdiction over offences covered by the Optional Protocol. The Committee continued to recommend that the minimum age for voluntary recruitment should be raised to 18 years.

The meeting rose at 6 p.m.

United Nations CRC/C/SR.2139

Convention on the Rights of the Child

Distr.: General
21 September 2016

Original: English

Committee on the Rights of the Child
Seventy-third session

Summary record of the 2139th meeting
Held at the Palais Wilson, Geneva, on Friday, 16 September 2016, at 10 a.m.

Chair: Mr. Mezmur
later: Ms. Winter (Vice-Chair)

Contents

Consideration of reports of States parties (*continued*)

Fifth periodic report of New Zealand (continued)

Initial report of New Zealand on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of the present document* to the English Translation Section, room E.6040, Palais des Nations, Geneva (trad_sec_eng@unog.ch).

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.16-16133 (E) 200916 210916

1616133

Please recycle

The meeting was called to order at 10 a.m.

Consideration of reports of States parties (*continued*)

Fifth periodic report of New Zealand (continued) (CRC/C/NZL/5; CRC/C/NZL/Q/5 and Add.1)

1. *At the invitation of the Chair, the delegation of New Zealand took places at the Committee table.*

2. **Ms. Tolley** (New Zealand), correcting her reply to a question from the previous meeting, said that the Children's Commissioner was appointed by the Crown (Governor General) and not by the Government.

3. **Ms. Roberts** (New Zealand) said that the Vulnerable Children Approved Information Sharing Agreements (AISA) protected a child's right to privacy through a number of measures ensuring that any information sharing was proportionate and relevant.

4. **Mr. Gannon** (New Zealand) said that any individual subject to harm under the Harmful Digital Communications Act could register a complaint regardless of the age of the individual. If the consent of a child had been received, the parent or guardian of the child or the head teacher of the child's registered school could register a complaint on his or her behalf.

5. **Ms. Grennell** (New Zealand) said that Maori parents were able to access universal service provisions that sought to offer culturally appropriate assistance. The Government funded Maori-specific resources and services, and a high emphasis was placed on traditional parenting practices and the development of targeted programmes for high-need families, such as Family Start. The cooperation of tribal leaders, NGOs and local communities with the Government was to be commended.

6. **Ms. Tolley** (New Zealand) said that the number of active social workers in New Zealand was low by international standards. The problem lay in the absence of a compulsory registration system of social workers. The Ministry of Social Development had asked the board responsible for overseeing social worker registration to produce a proposal for a compulsory registration system. The proposal was currently being considered by a social services select committee, which would produce a report on the proposal by the end of the year. Legislation on the proposal was expected to be ready to submit to Parliament in 2017. A compulsory registration system would ensure that social workers were well trained and competent and it would resolve the current flaws in the system such as the lack of a disciplinary process. The Ministry was also seeking to incorporate changes in social work pedagogy into the curriculum of existing university degrees in social work.

7. In order to ensure that children were being involved in the reform of the social services system that was under way, a Youth Advisory Panel had been established, comprising children who had been or were still in state care. The panel had met periodically with the Ministry, which had allowed young people to express their expectations of the social support system. Future legislation needed to provide for the involvement of children in the design and operation of the reformed social service system. Social Sector Chief Executives would be obliged under new legislation to consult an independent youth advisory group before making relevant decisions.

8. **Ms. Grennell** (New Zealand) said that the root cause of Maori disadvantage lay in historic factors that had exerted a negative impact on Maori social structures, such as loss of land, language and opportunity. Such factors had adversely affected the resource bases and social infrastructure available to Maori people, in addition to parenting practices. Moreover, a lack of cultural responsiveness in the social service system aggravated the

disadvantage of Maori families. The Government was seeking to address the issue and to improve the education, training and employment of Maori and Pasifika persons.

9. **Ms. Roberts** (New Zealand) said that a programme had been put into place to ensure that the Child Youth and Family (CYF) service would not deteriorate during the current period of transition. The CYF work programme focused on key areas such as ensuring the safety of children in care, actively managing the case loads of social workers and strengthening the assessments of vulnerable children. Nearly 350 million New Zealand dollars would be invested in the programme over the following four years.

10. **Ms. Tolley** (New Zealand) said that the Chief Executive of the Ministry of Socia. Development and the newly appointed Chief Executive of the future Ministry of Vulnerable Children were working together to ensure a smooth transition and to retain the quality of services.

11. **Ms. Roberts** (New Zealand) said that the decision of CYF to take children into care was not taken lightly. The oversight of family courts ensured that such processes were carried out appropriately. The process involved three stages: the intake of the child, the safety assessment and investigation, and a family group conference. In cases of serious child abuse and neglect, CYF worked with the police.

12. In order to improve the cultural reach of CYF, the department was implementing a strategic plan that focused on improving responsiveness to Maori families. CYF had also developed initiatives to ensure the success of the strategic plan, such as the establishment of a framework based on indigenous principles and evaluations of the co-facilitation of family group conferences with iwi persons. CYF was designing the Ministry of Vulnerable Children with an emphasis on high aspirations for Maori families and it was currently making an effort to incorporate Maori principles into the Children, Young Persons, and Their Families Act.

13. **Ms. Sandberg** (Country Task Force) said that she wished to know whether the law provided for the specific circumstances under which a child could be taken into state c... whether such decisions were made on a discretionary basis.

14. **Ms. Roberts** (New Zealand) said that the law did not contain criteria for taking a child into state care. The law stated only that the child must be at serious risk of harm. The decision to place a child in state care was made on a case by case basis through a set of assessments by social workers and other interested parties.

15. The Office of the Children's Commissioner (OCC) acted as an independent monitor of CYF. Its statutory role was to monitor CYF practices, encourage the development of policies and advise CYF on its strategies. OCC also functioned as the designated national preventive mechanism and was mandated to monitor all State residences for children in care. In the event of allegations being made against a CYF caregiver, an investigation would be conducted immediately and a safety assessment made of the child in question. In cases of serious abuse and neglect, the allegation would be referred to the police for investigation.

16. **Ms. Tolley** (New Zealand) said that one important aspect of the overhaul of the social services system was to encourage community-based care for children. Youth Justice Residences were often used for remand purposes and the high number of young persons awaiting trial often disrupted the rehabilitation of young persons serving sentences in Youth Justice Residences. Community-based care for children in remand was being considered as an effective alternative to current practices.

17. Legislation regarding youth advocacy service funding was under consideration by Parliament. The legislation proposed that independent youth advocacy services should be

funded by the Government but that such funding should not preclude them from receiving philanthropic and private-sector financial assistance.

18. In reply to Ms. Winter's question on education for children in remand, she noted that New Zealand used the international models available but that they were not as effective as community-based activities, whereby children were able to engage with a wider group of people. Replying to Ms. Ayoubi Idrissi, she said children could be held in remand in a Youth Justice Residence for up to six months.

19. **Ms. Sandberg** said that she sought clarification on the status of the 2014 amendments to the Children-Youth Persons and Their Families Act. She asked whether the amendments had abolished existing support for permanent caregivers and whether it was true that many caregivers no longer had the legal power to make important decisions for the children under their guardianship as a result of the amendments. She wondered whether the State party would consider further amendments to the benefits system for children in long-term care. She also asked how far the State party had progressed in its plans to accede to the 1996 Hague Convention, and whether an early education system was in place to support children from difficult family backgrounds in an effort to prevent such children from encountering future problems.

20. **Ms. Roberts** (New Zealand) said that there was no informal process available for children to be taken into state care. However, parents sometimes made informal arrangements for children to be cared for by another family member. Such arrangements could be brought to the attention of CYF and social workers would be able to assist the family in that event.

21. Complaints mechanisms were in place in care residences for children. Children were provided with information on how to register complaints. Efforts would be made to resolve the complaint within six weeks of its registration. A grievance process was also available for children in care residences who felt that they had been poorly treated. The overhaul of the social service system would strengthen such processes.

22. **Ms. Ayoubi Idrissi** said that she would like to know how many complaints had been registered in the care residences for children, whether telephone helplines were available to children, and whether such helplines guaranteed confidentiality.

23. **Ms. Roberts** (New Zealand) said that, over the financial year of 2015/16, the panel of Chief Executives had made decisions on 26 complaints referred to them, and CYF had registered over 900 complaints. Feedback from complainants on the process had generally been very positive.

24. **Mr. Tuohy** (New Zealand) said that funding for disability services had reached 1.165 billion New Zealand dollars in 2016, 11.3 per cent more than in 2013. The public's expectations continued to rise, however, so some priorities had to be established. There were enough specialists to treat children with disabilities, and the Child Development Centres located in each of the country's major cities and towns provided a wide range of services, including paediatric care. More child psychologists were needed, however.

25. There were no waiting lists for children who needed cochlear implants or hearing aids, and subsidies were available to help families buy eyeglasses for their children. In recent years, an increasing number of services, behavioural support in particular, had been made available for children with autism spectrum disorders and their families.

26. He would gladly provide more information about the case of the child with a disability on whose behalf a complaint of discrimination had evidently been submitted to the Human Rights Commission in 2008, but he had been unable to identify the case. Could the Committee provide additional particulars?

27. He said that the Government had recently extended free primary health care to all children under 13 years of age, but no plans had been made to include to all children under 18. Some 97 per cent of the children aged 6 to 12 had access to free, after-hours medical care within 60 minutes' travel time. Health care for older children from disadvantaged groups was made affordable through the Very Low Cost Access Scheme. District Health Boards were required to report annually to the Ministry of Health on their efforts to address disparities in health indicators. Special efforts were being made to treat children with sore throats in areas with large Maori and Pacific populations, where the incidence of rheumatic fever was especially high.

28. The measures taken to reduce rising rates of childhood obesity included the recent launch of the Childhood Obesity Plan, which emphasized diet, behavioural change and physical activity. The Plan was associated with a health target, termed "Raising Healthy Kids", that would ensure that 95 per cent of the 4-year-olds identified as obese during school checks were referred to appropriate health professionals. The Ministry of Health, the food and beverage industry and the Advertising Standards Authority were cooperating to improve the Code for Advertising to Children.

29. **Mr. Cardona Llorens** asked whether children with disabilities could still be legally sterilized with the consent of their parents, whether the Children, Young Persons and Their Families Act of 1989 had been amended to provide institutionalized children with additional guarantees and whether the Government had given any consideration to the recommendation by the Committee on the Rights of Persons with Disabilities that New Zealand should establish an enforceable right to inclusive education (CRPD/C/NZL/CO/1, para. 50). He also asked whether further work had been done to increase the provision of reasonable accommodation in primary and secondary education and whether any measures had been taken to combat the bullying of children with disabilities.

30. **Ms. Aho Assouma** wondered whether the State party had any programmes for the prevention and early detection of disabilities. She wished to know whether the families of children with motor disabilities had access to subsidies for the acquisition of orthopaedic devices and what special measures were taken for the treatment and education of Maori children with disabilities.

31. **Mr. Tuohy** (New Zealand) said that children could still be sterilized with the consent of their parents if, because of their disability, the children themselves were unable to consent. Sterilization was always a last resort.

32. Comprehensive efforts were made to detect any developmental delays or other disorders as early as possible. Early developmental assessment was also a major component of the Well Child/Tamariki Ora Programme, as part of which children found to have physical or other disabilities were referred to the appropriate specialists, whose services were provided to families at no charge. Financial assistance was provided to the families of children with disabilities; they could, for example, obtain funds to acquire assistive devices or even to adapt their homes to the needs of children with motor disabilities. All children in New Zealand, including Maori children, were entitled to those services.

33. **Ms. Grennell** (New Zealand) said that efforts were being made to improve access to health services for families in isolated rural areas. Health promotion events were often held at traditional Maori gathering places or in conjunction with sporting events or cultural events that drew families from the surrounding countryside. The authorities nonetheless needed to continue refining their approach to the most disadvantaged families, for whom engaging with the providers of public health or social services could be a challenge.

34. **Mr. Tuohy** (New Zealand) said that funding for breastfeeding initiatives, including a national action plan, had ended three to four years earlier. Some of those initiatives, however, had been included in the Childhood Obesity Plan. An NGO report on the

advisability of establishing a national breastfeeding network was expected shortly. The Government was of the view that its voluntary approach to the regulation of the marketing of breast-milk substitutes was preferable to full implementation of the International Code of Marketing of Breast-milk Substitutes. An external compliance panel issued reports identifying violations of the Code. It received approximately 10 to 12 complaints a year. The Ministry of Health would give proper consideration to the guidance on ending the inappropriate promotion of foods for infants and young children, adopted by the World Health Organization in May 2016.

35. A cross-agency approach had been taken to ensuring access to contraception and family-planning services as a means of lowering the country's comparatively high rates of teen pregnancy. The actions the District Health Boards and other authorities would take to reduce those rates included increasing access to contraception, providing school-based sexual and reproductive health services, subsidizing sexual and reproductive health care for persons under the age of 22 and increasing the scope of nursing. The Ministry of Health supported 11 Youth One-Stop Shops and 33 family-planning clinics. It also funded NGOs active in efforts to reduce rates of teenage pregnancy.

36. **Ms. Muhamad Shariff** said that she would appreciate a clarification of how complaints of violations of the International Code of Marketing of Breast-milk Substitutes were handled. In addition, she wondered whether it was true that drinking water had been contaminated as a result of intensive agriculture and, if so, how the contamination was being dealt with and what guidance the population was being given. She also wished to know whether the family of a child under the age of 6 who needed after-hours health care would have to pay for that care.

37. **Mr. Rodríguez Reyes** asked whether the State party was currently running a campaign to promote breastfeeding and counter the aggressive marketing of breast-milk substitutes.

38. **Ms. Aho Assouma** said that she would welcome information on the extent of mother-to-child transmission of HIV/AIDS in the State party. She also wished to know what the HIV/AIDS prevalence rate was, whether access to antiretroviral therapy was fully accessible and whether all pregnant women sought antenatal screenings.

39. **Mr. Tuohy** (New Zealand) said that although New Zealand no longer had an overarching strategy to promote breastfeeding, it was promoted by nurses, midwives and lactation consultants. Although the Compliance Panel had no enforcement authority, breast-milk substitutes were not marketed aggressively in New Zealand. The Government supported longer paternal leave in part to encourage longer breastfeeding, the high rates of which fell considerably after children reached 6 months of age.

40. **Ms. Tolley** (New Zealand) said that the pollution of the confined aquifer in Havelock North was being investigated. It was not yet clear how *Campylobacter*, the cause of the waterborne illness that had affected many local residents, had entered the aquifer. An initial recommendation to boil all drinking water had been had been lifted, as the water, which had not previously been treated, had been chlorinated.

41. **Mr. Tuohy** (New Zealand) said that the country's recently published Fetal Alcohol Spectrum Disorder Action Plan had been developed to combat high rates of drinking during pregnancy. The Ministry of Justice was leading the Government's response to the recommendations made by a ministerial forum on alcohol advertising and sponsorship, while the Health Promotion Agency led initiatives to raise awareness of the risks of alcohol consumption.

42. The measures taken to achieve the country's goal of being smoke-free by 2025 included increased taxation of cigarettes, a ban on the display of tobacco products and

legislative progress towards the institution of plain packaging requirements. Exposure to second-hand smoke had been considerably reduced in recent decades.

43. There were 224 people with HIV/AIDS in New Zealand, one of whom was a child who had been infected before birth. There had been no newborns with HIV/AIDS since 2007. Antiretroviral therapy was widely available, and pregnant women were routinely screened, with their consent, for HIV/AIDS. The risks of an increase in mosquito-borne and other illnesses were being assessed.

44. A swift return to school for children affected by the Christchurch earthquakes of 2011 had been an initial priority. Later priorities involved the establishment of school-based mental-health teams and other cross-agency efforts to help students and their families build resilience.

45. **Mr. Wales** (New Zealand) said that the Ministry of Education had received a number of submissions from children and other young people expressing their views on the review of the Education Act 1989. It had also held a workshop to elicit their views and encouraged them to take advantage of the recently opened period for the submission of comments on the planned update to the Act.

46. Efforts to address the relatively poor performance of some ethnic groups included two national strategies aimed at the Maori, Pacific and other communities. The results included increased participation in early childhood education and improved secondary qualification attainment rates. There was also an education pathway for the Maori community that achieved good results. To close the remaining gap, emphasis had been placed on improving achievement rates in science, technology, engineering and mathematics, improving transitions between schools and improving the Maori pathway. There was ongoing support for culturally responsive teaching practices.

47. Private early education centres were monitored through licensing, financial auditing and by the Education Review Office. Underperforming centres were helped to improve; specifically, the Strengthening Early Learning Opportunities initiative assisted underperforming centres in the Maori community and provided training on identity, language, culture, leadership and relationship-building. The education services worked with the health authorities and social services to improve outcomes and reduce harm through interventions at early education centres.

48. **Mr. Tuohy** (New Zealand) said that through the Gateway programme, children in care were assessed by specialists, who made recommendations as to their development. It was normally recommended that children under 5 be enrolled in early education centres.

The meeting was suspended at 11.30 a.m. and resumed at 11.45 a.m.

49. **Mr. Wales** (New Zealand) said that immigrant children who were in the country illegally could attend school on the same footing as local children. Efforts were continuing with regard to the Success for All programme; the target of introducing inclusive practices into all schools before 2013 had been missed by just 2 per cent, and the establishment of a dispute resolution process, the only action that remained outstanding, was under way. Services for students who required additional support were being improved; resources for inclusive practices in schools were being made available and a framework for reporting on students' progress was being developed. More than 1,800 students aged between 13 and 15 who truanted or displayed behavioural problems were currently receiving alternative education.

50. The disability strategy was under review following extensive consultation with persons with disabilities. The revised strategy would include provisions for inclusive mainstream education, specific, high-quality, accessible services for children and young people with disabilities and inclusive education training for all educators. The Government

was in the early stages of examining how the Sustainable Development Goals could be applied domestically. The Education Act enshrined the right of all children to receive mainstream education, regardless of disability, and the Education Review Office had found that more than three quarters of schools were inclusive, a figure that was increasing.

51. **Ms. Aldoseri** (Coordinator, Country Task Force) said that she would welcome more information on the freedom afforded to alternative education establishments to set curricula and recruit teachers; there were reports that some were not well trained. She asked what help was provided to students with special needs who did not qualify for the Ongoing Resourcing Scheme.

52. **Mr. Coster** (New Zealand) said that prison officers received training on the Human Rights Act, which prohibited discrimination, and there was a zero-tolerance approach to discrimination against children who lived in prisons with their mothers. Every effort was made to ensure that pregnant women, mothers and babies in prisons received the same medical and educational services as those outside. Children could live in prisons until the age of 2, during which time they experienced life outside prison and spent time with their families. Decisions on whether a child should be placed in a mother and baby unit were based on his or her best interests and on the advice of a multidisciplinary team.

53. Minors could be detained under the Immigration Act only in extremely rare circumstances. If the parent of a minor was detained under the Act, the child was placed with a relative or caregiver appointed by the parent, or detained under the Children, Young Persons and Their Families Act. Minors liable for deportation could express their views on any proposed restrictions to their freedom of movement, and due weight was given to those views according to the child's age and level of maturity. Keeping families together was a priority, and when parents were deported, children generally left the country with them or settled with family in New Zealand, if possible.

54. **Ms. Tolley** (New Zealand) said that the social housing register was the most reliable indicator of homelessness. On 9 September 2016, 1,385 households had been registered as living in insecure housing, and while the number of children living in those households was not recorded, their presence allowed a household to access emergency housing more quickly.

55. A range of techniques was used to measure poverty, including measurements of income after housing costs; that data guided the social housing policy. The social housing stock had been increased, and significant resources were spent on financial assistance. The rent cap of 25 per cent of income that applied to State-provided housing had been extended to housing belonging to community housing providers, whose housing stock was also being increased. The Government had recently allocated more than 40 million New Zealand dollars to emergency housing. There was a dedicated service for homeless young people that provided housing and training. The lack of land on which to build social housing posed a challenge, as did the failure of many existing units to meet needs relating to size and location; those problems were being addressed by local authorities.

56. **Mr. Coster** (New Zealand) said that the Immigration Amendment Act allowed asylum seekers arriving in groups of more than 30 to be addressed differently to individual asylum seekers; that practice did not contravene domestic human rights legislation. Asylum seekers who had been part of a mass arrival and subsequently recognized as refugees could apply for a temporary three-year visa, after which time they, their partners and dependent children could apply for residence if they continued to require asylum. Their wider families were not eligible for residence. Those limits were intended to deter mass arrivals, in particular dangerous attempts to arrive by boat, while encouraging legitimate immigration and family reunification channels.

57. The Office of the United Nations High Commissioner for Refugees quota programme provided for the reunification of an unaccompanied child with his or her family if it was in his or her best interests. Unaccompanied children at the Mangere Refugee Resettlement Centre were under the custody of the manager or other appropriate person. Internationally accepted guidelines governed the treatment of refugees arriving through the quota programme, taking their need for physical and legal protection and family reunification into account, and cases were assessed prior to, and upon, an immigrant's arrival.

58. Refugees were initially accommodated at the resettlement centre and participated in a six-week reception programme that aided their integration into the country. Once a child had completed the programme, the Department of Children, Young Persons and Their Families ensured their safety and provided the necessary support. Refugees could access public services on the same footing as citizens. Owing to the country's geographical position, it was extremely rare for asylum seekers from conflict areas to arrive in New Zealand outside the quota programme.

59. Although there were no confirmed cases of children being recruited via the Internet to participate in armed conflict or terrorism abroad, work was undertaken with community groups to identify and address those at risk of radicalization.

60. **Mr. Madi** (Country Task Force) asked whether a guardian was appointed for every unaccompanied minor and whether residents of the resettlement centre could move around freely. How long were they held there?

61. **Ms. Sandberg** asked whether all asylum seekers arriving in New Zealand were part of the quota process, whether unaccompanied minors were separated from adults in the resettlement centre and benefited from special provisions, how they were cared for and whether unaccompanied minors who were not part of the quota system were held in the resettlement centre for longer than six weeks.

62. **The Chair** asked how the age of child asylum seekers was determined.

63. **Mr. Coster** (New Zealand) said that as most refugees arrived by air, unaccompanied minors were uncommon. Residents were free to move around the resettlement centre and were not held for extended periods. The vast majority of children arrived through the quota programme.

64. **Ms. Tolley** (New Zealand) said that the centre manager acted as the guardian of unaccompanied minors until their case was handed to the Department of Children, Young Persons and Their Families, whose Chief Executive then assumed that role. Families were kept together in the centre, which was designed to be welcoming and had recently seen extensive refurbishment.

65. **Ms. Roberts** (New Zealand) said that workers of all ages were protected under workplace health and safety legislation. Business owners were required to ensure that children under 15 did not undertake certain types of hazardous work.

66. The State party had not ratified the International Labour Organization Minimum Age Convention, 1973 (No. 138), and rather than impose a single minimum employment age, a range of restrictions on the employment of young people had been enacted. The Education Act provided that all children between the ages of 6 and 16 must attend school, and employers were prohibited from employing children under 16 during school hours or when it would hinder their attendance. While workers under 15 were generally prohibited from driving vehicles, agricultural workers aged 12 and older could drive tractors, provided that they had been fully trained.

67. **Mr. Madi** asked for clarification with regard to the minimum ages of employment and of employment in hazardous work under New Zealand legislation. In the light of the fact that domestic laws allowed for the performance of hazardous work by persons aged under 15 years, he asked how the State party aligned its labour legislation with the International Labour Organization Worst Forms of Child Labour Convention, 1999 (No. 182), to which it was party. Driving tractors was a hazardous task; the State party might wish to reconsider allowing minors aged as young as 12 years to do such work.

68. **Mr. Coster** (New Zealand) said that, in the light of the disproportionate representation of Maori in the criminal justice system and as victims of crime, a review had been carried out by New Zealand Police in 2014 looking at ways of improving cooperation with Maori community groups. One of the six core values of New Zealand Police was commitment to addressing issues affecting Maori and a comprehensive strategy had been put in place to tackle Maori victimization. Maori Responsiveness Managers had been appointed in every district to work with civil society partners. The post of Deputy Chief Executive Maori had been created and the incumbent reported to the Commissioner of Police and provided advice on how to tackle issues affecting Maori. Police practices were reviewed to identify any potential bias, in order, among other things, to ensure that persons were not brought before the courts unnecessarily. Existing police cells were not designed to house young offenders. However, there were plans to address the issue of youth detention as a part of the creation of a new children's agency.

69. **Ms. Tolley** (New Zealand) said that work had been undertaken on a bill under which the maximum age of persons covered by the youth justice system would be raised to 18 years. There were not currently any plans to lift the reservation maintained by New Zealand relating to article 37 (c) of the Convention. The few girls currently in detention were held alongside women detainees because any attempt to hold them separately might well result in situations resembling solitary confinement. They were well protected and had access to rehabilitation services. There were plans to shift the focus of the youth justice system to the prevention of offending and re-offending and to design programmes for the increasing number of young women and girls brought before the courts.

70. **Mr. Madi** asked for data on the number of girls held in detention in general. It was his understanding that boys were detained separately from men in the State party. He asked whether there had been any cases of unaccompanied minors entering New Zealand.

71. **Ms. Ayoubi Idrissi** asked whether girls detained alongside women slept in the same cells as adult detainees.

72. **Ms. Aldoseri** asked whether the Government had ever provided funding for genital-normalizing surgery performed abroad and, if so, whether that funding were drawn from the Special High Cost Treatment Pool and whether the delegation could inform the Committee of the number of such cases that had arisen.

73. She asked whether prior public consultation had been carried out relating to the closure of schools in Christchurch. Although the creation of a Ministry for Vulnerable Children demonstrated that the Government was focusing on protecting that population group, the Convention dealt with all the rights of all children. The use of the expression "vulnerable children" smacked of stigmatization and labelling. Had a list of specific categories of vulnerable children been drawn up?

74. **Ms. Roberts** (New Zealand) said that the national authorities considered that certain forms of work, such as newspaper delivery, were not harmful to children. Consequently, there was no minimum age of employment in the State party. New Zealand maintained its reservation to article 32 (2) of the Convention and had not ratified the Minimum Age Convention, 1973 (No. 138) of the International Labour Organization.

75. **Mr. Madi** said that, in its reservation to article 32 (2) of the Convention, the State party stipulated that its legislation was in line with that article. He asked what the minimum ages of employment and of employment in hazardous work were in New Zealand legislation.

76. *Ms. Winter took the Chair.*

Initial report of New Zealand on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/NZL/1, CRC/C/OPSC/NZL/Q/1/Add.1)

77. **The Chair** invited Committee members to put forward any questions they might have on the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

78. **Ms. Aldoseri** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) asked why the language used in the Prostitution Reform Act 2003 differed so greatly from that contained in the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in particular with regard to the definition of child prostitution and the list of acts criminalized. The Committee encouraged States parties to reflect the Optional Protocol both in essence and in form in domestic legislation. The Act criminalized encouraging, facilitating and assisting a child to provide commercial sexual services but did not criminalize attempts to commit or complicity in any of the said acts, as stated in article 3 (2) of the Optional Protocol.

79. Disaggregated data on the number of complaints of and prosecutions for offences under the Optional Protocol, in particular trafficking in children for sexual purposes and sex tourism, would be welcome. She asked what mechanisms had been set up to coordinate the efforts of the various bodies responsible for implementing the provisions of the Optional Protocol and what awareness-raising and prevention programmes had been launched covering schools and the wider community.

80. She asked which bodies were responsible for monitoring the implementation of the Optional Protocol and offences of sexual exploitation of children and for raising awareness of the Optional Protocol.

81. She asked whether steps had been taken to develop a comprehensive plan of action for the implementation of the Optional Protocol as a whole, whether the National Plan of Action to Prevent People Trafficking covered trafficking in children and whether the Government would consider amending the Mutual Assistance in Criminal Matters Act to provide for automatic assistance relating to requests for cooperation in criminal investigations and proceedings covering all offences under the Optional Protocol and with all States parties to that instrument.

82. **Mr. Madi** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) said that the fact that no programme had been put in place to raise awareness of and disseminate the Optional Protocol in the State party was a matter of great concern to the Committee. He asked how professionals working for and with children could be trained on the Optional Protocol if they were unaware of its content.

83. It was important also to ensure dissemination of the United Nations World Tourism Organization (UNWTO) Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism among tour operators, travel agents and the general public. The courts in the State party had a good record with regard to the number of convictions of New Zealand nationals for offences of sexual exploitation of children committed abroad. He asked whether foreign nationals victims of such offences residing abroad had received compensation from the perpetrators and whether domestic legislation

contained provisions in that regard. The State party might wish to consider aligning the language used in the Films, Videos and Publications Classification Act and in domestic legislation on trafficking in persons with that contained in the Optional Protocol, in order to facilitate understanding of the issue of criminalization. He asked for further information on the absence of definitions of the terms "child" and "young person" in the Films, Videos and Publications Classification Act and of clear age ranges in that regard. The language used in domestic legislation on trafficking in persons should be brought into line with that employed in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, including with regard to trafficking in children carried out without recourse to coercion, abuse of power or deception.

84. He asked whether it was true that the State party did not establish extraterritorial jurisdiction over offences under the Optional Protocol committed abroad in cases where the victim was a New Zealand national and whether all offences under the Optional Protocol were deemed to be extraditable under the various extradition treaties signed by New Zealand with the other States parties to that instrument. He encouraged the national authorities to do away with the requirement of dual criminality, in order to ensure that perpetrators were brought to trial and that no situations of immunity arose.

85. He asked when a planned amendment to the Evidence Act, designed to allow child victims and witnesses to give evidence via video link, would be adopted. He asked whether any system had been put in place for the recovery, rehabilitation, provision of psychological support for and reintegration of victims of offences under the Optional Protocol.

86. **Mr. Kotrane** said that domestic legislation appeared to focus more on the trafficking in rather than on the sale of persons. He asked whether, under New Zealand criminal law, forced child labour and the illegal adoption of children through an intermediary were defined and duly punished as forms of the sale of children. He asked whether extraterritorial jurisdiction covered all offences under the Optional Protocol or merely offences under the Prostitution Reform Act and the Films, Videos and Publications Classification Act.

The meeting rose at 1 p.m.

United Nations CRC/C/SR.2140

Convention on the Rights of the Child

Distr.: General
27 September 2016

Original: English

Committee on the Rights of the Child
Seventy-third session

Summary record of the 2140th meeting
Held at the Palais Wilson, Geneva, on Friday, 16 September 2016, at 3 p.m.

Chair: Ms. Winter (Vice-Chair)
later: Mr. Mezmur (Chair)

Contents

Consideration of reports of States parties (*continued*)

Initial report of New Zealand on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (continued)

Fifth periodic report of New Zealand (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of the present document* to the English Translation Section, room E.6040, Palais des Nations, Geneva (trad_sec_eng@unog.ch).

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.16-16230 (E) 220916 270916
1616230

Please recycle

In the absence of Mr. Mezmur (Chair), Ms. Winter (Vice-Chair) took the Chair.

The meeting was called to order at 3.05 p.m.

Consideration of reports of States parties (*continued*)

Initial report of New Zealand on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (continued) (CRC/C/OPSC/NZL/1, CRC/C/OPSC/NZL/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of New Zealand took places at the Committee table.*

2. **Ms. Tolley** (New Zealand) said that her delegation would first of all respond to outstanding questions raised at previous meetings.

3. **Mr. Gannon** (New Zealand) said that persons under the age of 18 years were prohibited from participating in armed conflicts, in accordance with section 37 of the Defence Act 1990. Moreover, New Zealand was a member of the Group of Friends on Children and Armed Conflict and had heightened its commitment to the issue of children in armed conflict while serving as a non-permanent member of the United Nations Security Council.

4. In 2012, prosecutions relating to the organization of tours for travelling sex offenders had led to the identification of a travelling sex offender who had sexually assaulted a young girl. In New Zealand, extraterritorial prosecutions were not uncommon and the State party had a special unit that investigated the distribution, possession and production of child pornography, as well as child sex trafficking and travelling sex offenders. In 2001, a New Zealander had been prosecuted for setting up a server in a foreign jurisdiction that transmitted child sexual abuse images and videos for commercial purposes. In another case, a New Zealander who had sexually abused a young girl and recorded the abuse had been prosecuted upon his return home.

5. **Mr. Coster** (New Zealand) said that the Prostitution Reform Act 2003 had not been reviewed since the year it had been enacted. Changing the language used in legislation had significant legal implications in common-law jurisdictions such as New Zealand and, as a result, the language was seldom changed. Nevertheless, Parliament might able review and amend certain laws so that their terminology was more in line with that of the Convention.

6. **Mr. Gannon** (New Zealand) said that the Films, Videos, and Publications Classification Act 1993 did not refer to "child pornography" per se, but rather to "objectionable publications". Terms such as "child pornography" and "child sex tourism" attached a stigma to the children concerned and therefore were deliberately avoided. Objectionable publications included, but were not limited to, materials that promoted or supported the sexual exploitation of children, such as some forms of animation and adults engaging in role play as abused children.

7. **Mr. Coster** (New Zealand) said that aiding and abetting were governed by the Crimes Act 1961, which covered offences contained in other laws. Therefore, a perpetrator could be charged for aiding and abetting, even if a particular law did not explicitly refer to those acts. His delegation would provide the Committee with data requested on certain offences within 48 hours.

8. **Mr. Gannon** (New Zealand) said that the police, customs officials and the Department of Internal Affairs worked closely together to combat the sale of children, child prostitution and child pornography. Officials also worked with NGOs, such as the International Centre for Missing and Exploited Children, civil society organizations, as well

as the private sector and banks in order to identify and report suspicious activities. New Zealand was committed to working with the INTERPOL network and had developed and distributed software that could track, inter alia, travelling sex offenders and persons engaged in the distribution of child pornography.

9. The Department of Internal Affairs was conducting awareness-raising campaigns on the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in schools, particularly during Cyber Safety Week, as well as in religious organizations and in law enforcement agencies, such as border control. Persons who were travelling to countries of concern were encouraged to report any suspicious activities observed abroad and were sometimes monitored if suspected of engaging in the offences described in the Optional Protocol.

10. **Ms. Sandberg** asked whether schools offered mandatory courses on Internet safety and whether such courses were offered to young children.

11. **Ms. Aldoseri** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) asked how systematic education programmes on Internet safety were.

12. **Mr. Madi** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) said that legislation must constantly evolve and wished to know why it was difficult to amend national legislation to bring it into line with the Optional Protocol. Using different terms and definitions might cause misunderstandings on the ground. With regard to the dissemination of the Optional Protocol, he said that all persons working with children must receive specific training on the Optional Protocol.

13. **Mr. Coster** (New Zealand) said that some pieces of legislation, such as the Crimes Act, were updated frequently, while others were completely rewritten, if necessary. Acts could be and were amended. Moreover, national legislation on trafficking had recently been amended in order to bring it into line with international guidance. Lastly, the substance, if not the specific terminology, of the Prostitution Reform Act and the Films, Videos, and Publications Classification Act was in line the State party's obligations under the Optional Protocol.

14. **Mr. Gannon** (New Zealand) said that NetSafe provided teaching materials to schools: in some schools, such materials were used for one hour every week; while other schools offered intensive programmes or online safety information sessions for parents. End Child Prostitution, Child Pornography and Child Trafficking for Sexual Purposes (ECPAT) New Zealand also engaged in educational outreach and provided a hotline as well as browser plug-ins that children could use to report suspicious activities confidentially.

15. **Mr. Coster** (New Zealand) said that while the National Plan of Action to Prevent People Trafficking did not include any specific references to children, it was intended to introduce such references in the Plan in 2017. The Plan set out short, medium and long-term goals and responsibilities and provided a consistent and coordinated response to trafficking, in terms of both prevention of trafficking and assistance for victims. The Plan had been established in 2009 and would soon be reviewed by an inter-agency working group. In 2014, charges related to trafficking in persons had been laid for the first time, but children had not been involved in those offences. No cases of child trafficking had been reported to date in New Zealand, although the authorities were aware that it was a destination country.

16. **Mr. Gannon** (New Zealand) said that the Government was working with the United States State Department and the Salvation Army to combat trafficking in persons. Customs officials were monitoring the borders and working with labour officials to prevent child

trafficking and forced labour. The Government was also working with NGOs, such as ECPAT New Zealand.

17. **Mr. Coster** (New Zealand) said that the Social Sector Deputy Chief Executives was a forum responsible for monitoring the State [illegible] implementation of the Convention on the Rights of the Child and that the Ministry [illegible] Social Development was responsible for providing input to that forum.

18. **Ms. Aldoseri** said that she welcomed the efforts made by the State party and asked how the various agencies were coordinated in order to manage the workflow. What were the reporting lines?

19. **Mr. Gannon** (New Zealand) said that memorandums of understanding had been signed between the various agencies involved. For example, there was a victim identification task force that included representatives of the police, the Customs Service and the Department of Internal Affairs. The task force met twice annually to analyse material seized in investigations with a view to identifying the victims. If it was determined that contact offending had been involved, the police would take the lead, while the Department of Internal Affairs would provide support. Each agency had different skills and legal responsibilities, and those were taken into account in the memorandums of understanding. Each agency submitted to the Government a monthly report on the investigations it carried out, so that the Government could see which agencies were playing a supporting role in the investigations and how those investigations were progressing.

20. **Mr. Reaich** (New Zealand) said that issues of extradition and mutual assistance and cooperation were governed by the Extradition Act 1999 and by the Mutual Assistance in Criminal Matters Act 1992 respectively, both of which had recently been reviewed. Following that review, an overhaul in those areas had been recommended. The issue of dual criminality had been raised during the review and would be further studied by the Government. New Zealand law did not require the existence of a treaty for extradition, but it did require dual criminality and stipulated that the offence must be punishable by more than 12 months' imprisonment. All punishments set out in national law for offences covered in the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography did meet that requirement.

21. International cooperation and assistance took place at both the formal and informal levels. Formal cooperation and assistance was governed by the State's mutual assistance legislation, which covered mutual assistance in relation to issues addressed in the Optional Protocol.

22. It was a basic constitutional principle that changes to national law were not automatic upon ratification of a treaty; rather, enabling legislation was enacted when necessary. That legislation aimed to ensure that effect was given to the purpose of the treaty, but it did not always follow the precise wording used in the treaty. New Zealand law did give full effect to all the provisions of the Optional Protocol.

23. **The Chair** asked whether extraterritorial jurisdiction and extradition applied to all offences referred to in the Optional Protocol.

24. **Mr. Gannon** (New Zealand) said that the informal cooperation and assistance New Zealand provided to other countries was in line with the provisions of the Optional Protocol relating to extradition and extraterritorial jurisdiction. The fast pace of current technology meant that law enforcement agencies had to act quickly to protect children from sexual abuse, and informal communication between law enforcement agencies made that possible. There was an online network of more than 160,000 persons seeking to sexually abuse children. To defeat such a network, another network was required. Informal communication among law enforcement agencies was just as important as formal communication.

25. **Mr. Madi** asked whether extraterritorial jurisdiction applied in cases where the victim was a New Zealander located abroad. The Committee was well aware that New Zealand was a dualist country and asked all such countries to enact domestic legislation to incorporate the provisions of the Convention into national law.

26. **The Chair** asked if it was correct that any victim residing in New Zealand was eligible to receive assistance from the State party but that victims who neither resided in New Zealand nor held New Zealand nationality were not eligible.

27. **Mr. Coster** (New Zealand) said that no differentiation was made between residents and non-residents; any victim who was physically present in New Zealand would receive assistance. Victims outside of New Zealand were dealt with on a case-by-case basis, depending on the assistance available from the State in which they were located. In court proceedings, judges could order compensation for any victim, whether they were present in New Zealand or not. Those who resided in the country also had access to financial support for medical treatment through the accident compensation scheme.

28. In cases where the perpetrator resided abroad, prosecution was dependent upon the State of residence having legal provisions that allowed New Zealand to extradite the perpetrator. The dual criminality requirement was logical, as the act must be considered an offence in both States in order for both governments to agree to extradition proceedings.

29. National trafficking law had been amended in November 2015 to bring it fully into line with the Palermo Protocol. The relevant provisions of the Crimes Act had been expanded to cover activities within New Zealand as well as the movement of persons abroad for purposes of exploitation. The definition of exploitation covered a wide range of scenarios and was fully in line with the Palermo Protocol. The penalty for trafficking had been increased to 20 years' imprisonment or a fine of 500,000 New Zealand dollars (NZ$).

30. **Mr. Gannon** (New Zealand) said that protocols were in place to deal with travelling sex offenders, including through risk assessments and border checks by customs officials. His Government also took into account the feedback it received from NGOs on dealing with that problem. In reality, the most concerning issue was not sex offenders who travelled overseas, but rather the exploitation of children online. Sex offenders no longer needed to travel, as the sexual abuse of children was available on demand from anywhere with an Internet connection. Despite the proactive steps being taken in conjunction with the financial sector and NGOs, the digital child abuse industry continued to grow internationally.

31. **Ms. Tolley** (New Zealand) said that a proposed amendment to the Evidence Act 2006 would make it possible for child victims to testify via video. She expected that the amendment would be passed by the end of 2016. In recent years, her Government had made great efforts to redesign its services for victims in consultation with NGOs and various advisers. In 2016, a budget of NZ$ 46 million had been allocated to provide a specific crisis response, with a special focus on child victims.

32. **Mr. Gannon** (New Zealand) said that his Government disseminated information to travel operators on the prevention of sexual abuse and also posted notices online and in airports about how to report such crimes. His Government recognized that there was room for improvement in that area and was willing to learn from the Committee and from best practices in other countries such as Australia about how it might improve those efforts.

33. **Mr. Cardona Llorens** said that, unfortunately, the offences dealt with in the Optional Protocol were not always criminalized in every State. In cases where they were not, that situation prevented the extradition of the perpetrators. He therefore believed that the State party should reconsider its dual criminality requirement for extradition, as other States had already done.

34. **Mr. Gannon** (New Zealand) said that defeating a child pornography network did not always require prosecution; the networks could also be defeated by interrupting their distribution. In some cases, the identity of the victim was not known, and the State where they lived lacked the knowledge or resources to carry out the investigation. For that reason, the relationships established with other law enforcement agencies through organizations such as the Virtual Global Task Force and the Internet Crimes against Children Task Force were very important.

35. With regard to dual criminality, his Government's aim was to influence other countries and encourage them to criminalize the acts covered in the Optional Protocol, thereby making it possible to extradite the perpetrators or even to prosecute within the local jurisdiction.

36. **The Chair** asked how the State party reacted differently to cases of child trafficking compared with cases of the sale of children, on both a legal and practical level.

37. **Mr. Coster** (New Zealand) said that section 98D of the Crimes Act 1961, on trafficking in persons, covered the reception, recruitment, transport, transfer, concealment or harbouring of a person in New Zealand or any other State for the purpose of exploiting or facilitating the exploitation of that person. Provided that an offence involved prostitution or other sexual services, slavery, servitude, forced labour or other forced services, it would fall within the definition of trafficking. The sale of a child would almost certainly be covered by that section. However, the Government was currently unaware of any such activity in or in connection with New Zealand.

38. **Mr. Gannon** (New Zealand) said that, in one recent case, a person had been caught attempting to buy a child by a covert Internet investigator. Current legislation had made it possible for the authorities to prosecute him, even though he had in fact had no intention of carrying out the act. ECPAT had indicated that it had not received any reports of child trafficking in New Zealand. The authorities had been involved in investigations in which children had been offered for sale in other jurisdictions. In one case, a child was being auctioned for US$ 250. The intelligence provided by the authorities of New Zealand had led to the rescue of that child in another country. The prevention of child trafficking required cross-border cooperation.

39. *Mr. Mezmur (Chair) took the Chair.*

Fifth periodic report of New Zealand (continued) (CRC/C/NZL/5; CRC/C/NZL/Q/5 and Add.1)

40. **Ms. Roberts** (New Zealand) said that the provisions of the Children, Young Persons, and Their Families Act 1989 had been reviewed in 2015. Persons with disabilities, including children with disabilities who were in care, had been consulted as part of the review process. The Cabinet was currently considering the resulting recommendations.

41. The provisions for special guardianship orders in the Children, Young Persons, and Their Families (Vulnerable Children) Amendment Act 2014 had come into effect on 1 July 2016. The orders would ensure that guardians were able to provide a stable care placement. The Permanent Caregiver Support Service had been changed to improve the services provided for vulnerable children and caregivers. She was not aware of any services having been withdrawn.

42. **Ms. Sandberg** (Country Task Force) said that she was concerned that the amendment set a high threshold for assistance for caregivers, and that assistance was given on a discretionary basis.

43. **Ms. Roberts** (New Zealand) said that clarification on that point would be provided in writing. Children could be removed from the custody of their families in line with the 10

criteria laid out in section 14 of the Children, Young Persons, and Their Families Act. Children could be removed immediately in line with the five criteria laid out in section 39.

44. **Mr. Wales** (New Zealand) said that partnership schools were relatively new. They were approximately a dozen in number and worked with children who were at risk of not achieving or not engaging. They had the power to determine their own governance structure, were required to report quarterly on the progress made by their students, had greater freedom in terms of how they allocated their funding and were strictly accountable for student outcomes. The latter were measured in terms of achievement, engagement and enrolment or attendance. With regard to achievement, partnership schools at the secondary level were required to meet the Better Public Services target of 85 per cent of students at NCEA Level 2 and those whose students were in Year 1 and Year 2 were assessed against the national standards. The Education Review Office regularly reviewed partnership schools.

45. The criterion-based Ongoing Resourcing Scheme targeted students who were most in need of additional learning support. It currently supported approximately 8,500 students. It was one of approximately 15 or 16 funding categories for the provision of additional learning support. Every year, the Government spent a total of NZ$ 590 million on additional learning support, of which NZ$ 144 million was allocated to the Ongoing Resourcing Scheme.

46. **Ms. Roberts** (New Zealand) said that, although there was in fact no minimum age for admission to employment, there were restrictions on the types of work that persons aged under 18 years could be employed to perform. For example, a child aged under 14 years could not work as a babysitter, a child aged under 15 years could not work in an area in which hazardous goods or substances were manufactured and a child aged under 18 years could not work in a licensed premises.

47. **Ms. Tolley** (New Zealand) said that children aged 16 years or under were required to be enrolled in full-time education, which limited the number of hours that they could work.

48. **Mr. Madi** (Country Task Force) said that, while he was aware that New Zealand was not a party to the International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138), he would be grateful for confirmation as to whether it was a party to the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), which banned the employment of children in hazardous work. Under the State party's domestic legislation, only children aged 15 years or below were banned from employment in hazardous work.

49. **Ms. Roberts** (New Zealand) confirmed that, in New Zealand, it was illegal to employ a child aged 15 years or below in an area in which hazardous goods or substances were manufactured.

50. **Ms. Tolley** (New Zealand) said that the reservation maintained by New Zealand to article 37 (c) of the Convention was based largely on the small number of girls in detention. It should be remembered that persons aged 17 years and over were held in adult prisons, although the Government was currently giving consideration to the matter. In 2015, there had been only one girl held in an adult prison. To hold her separately from women would result in solitary confinement. Cells were not generally shared and, to her knowledge, they were never shared in women's prisons. The girl mentioned had previously had her own cell.

51. She was unable to say for certain that no unaccompanied minors had entered New Zealand. A group of unaccompanied persons had been accepted from Australia, but she was not sure of their ages. Her delegation would provide a written response to that question and to the question on the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

52. **Mr. Tuohy** (New Zealand) said that, while there had been some historic instances of gender assignment, none had been brought to the attention of health officials in recent years. In line with the latest medical consensus on best practice, non-essential treatment was not performed on children with disorders of sex development (DSD) until they were old enough to give their consent. Decisions regarding urgent surgery were made by the child's parents in consultation with medical professionals. New Zealand did not have a legal or regulatory framework in place for gender-assignment surgery for children with DSD because the results demonstrated that the processes in place already addressed the issue.

53. There was a multidisciplinary network of surgeons and endocrinologists who discussed all cases involving concerns regarding a child's gender. In line with international best practice, the default was to avoid surgical intervention. The members of the network were confident that no medical practitioners in that field were working in isolation in New Zealand. They were aware of and supported the evidence-based guidance described in the internationally supported Clinical Guidelines for the Management of Disorders of Sex Development in Childhood and maintained responsibility for the care of children with DSD irrespective of whether they had been referred to a centre in New Zealand or overseas.

54. Gender-reassignment surgery for adults was covered by the provisions of the high-cost treatment pool. Gender-re...signment medical treatment, primarily hormone treatment, was available through District Health Boards. If surgery was sought in that context, it was limited to persons aged 18 years and over. He was not certain whether any persons aged under 18 years had received funding for overseas gender-reassignment through the high-cost treatment pool. It would take some time to gather information on any such cases.

55. **Mr. Coster** (New Zealand) said that, while New Zealand had ratified the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), it had not ratified the ILO Minimum Age Convention, 1973 (No. 138).

56. **Mr. Madi** said that, pursuant to the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), which the State party had ratified, no one aged under 18 years should be employed to perform hazardous work. However, New Zealand legislation allowed children aged 15 years and over to be employed to perform hazardous work.

57. **The Chair** said that he would be grateful if the delegation could confirm that the number of hours that children aged under 16 years were allowed to work was limited.

58. **Ms. Tolley** (New Zealand) said that the Christchurch earthquake on 22 February 2011 had registered 6.3 on the Richter scale. Its consequences had been severe: three quarters of the city had been destroyed and there had been fatalities. The earthquake had occurred during the school lunch hour. Owing to the heroic work of the city's teachers, all but two children had been able to return to their homes that evening, a challenge made more difficult by road closures. Those two children had been taken home by school staff members.

59. It had been necessary to close all the schools in the city because sewerage and water-supply services had been disrupted, and the school buildings had had to be inspected. As the Minister of Education at the time, she had met with school principals, union representatives and the chairmen of the boards of trustees to formulate a plan for the reinstatement of schooling. As an interim system, they had decided to relocate some students to schools that had not been affected by the earthquake, and the students of 12 schools had shared facilities with other schools. Transport for students and teachers had been provided. The interim system had been in place until more permanent arrangements had been made. Social services had hired additional staff to ensure adequate provision of counselling for students and teachers.

60. The Government had allocated several billion New Zealand dollars to a large school reconstruction programme. The process of closing and amalgamating schools had involved several rounds of consultation, and it had been necessary to follow the established procedures because the process was judicially reviewable. Although those affected had initially not all been pleased with the changes, they had since grown to appreciate the result. Counselling was still provided for both children and teachers.

61. **Ms. Aldoseri** (Coordinator, Country Task Force) said that she wished to know whether children had been involved or consulted in the preparation of the response to the earthquake.

62. **Ms. Tolley** (New Zealand) said that, according to her understanding, the boards of trustees had consulted with head prefects. The students of some schools had expressed strong preferences regarding the other schools with which they were to share facilities.

The meeting was suspended at 4.30 p.m. and resumed at 4.55 p.m.

63. **Ms. Muhamad Shariff** (Country Task Force) said that, according to one research project, as many as one in five children starting primary school in east and south Christchurch exhibited symptoms of post-traumatic stress disorder on account of the earthquake. She asked whether the State party had budgeted for the cost of providing ongoing psychological support to children affected by the earthquake and their families; whether it was tracking and monitoring the mental health outcomes of those children; and how the best interests of the children affected had been taken into account during the recovery process.

64. **Ms. Aho Assouma** asked whether statistical data on AIDS had been collected as part of a study conducted by the Ministry of Health, in which case, the data should be specific and disaggregated by sexual orientation. It would also be helpful to know whether there was a mechanism in place to assess the implementation of the State party's numerous policies and action plans. Did the Ministry for Vulnerable Children, Oranga Tamariki, intend to study the phenomenon of children who worked to determine whether they should be classed as vulnerable and whether targeted action should be taken? Had the State party ratified the ILO Worst Forms of Child Labour Convention, 1999 (No. 182)? Which government department was responsible for following up on recommendations relating to the ratification of international conventions?

65. **Ms. Tolley** (New Zealand) said that the decision of the Government of New Zealand to establish the Ministry for Vulnerable Children, Oranga Tamariki, did not detract from the importance that it attached to helping all children living in the national territory reach their full potential and to realizing their rights. The Ministry's bilingual name was in fact a testament to the Government's commitment to reducing the inequalities between Maori and other children. Around 25,000 of the 1.1 million children living in New Zealand were considered to be vulnerable. Child and family affairs had previously been dealt with by an agency reporting to the Ministry of Social Development. The decision to establish the Ministry for Vulnerable Children, Oranga Tamariki, had stemmed from a desire to give greater prominence to the plight of vulnerable children in New Zealand.

66. The Government was in possession of statistical data that showed that children who grew up in families that were dependent on State benefits, had a history of domestic violence, sexual abuse or substance abuse, or whose parents had few or no qualifications or had entered into contact with the criminal justice system were often the most vulnerable. The panel of independent experts appointed to advise the Government as it undertook a complete overhaul of the national care and protection system for children had found that the aforementioned agency had often failed to intervene early enough to prevent children and young people from falling into a situation of vulnerability and that its interventions had often been ineffective. The Ministry for Vulnerable Children, Oranga Tamariki, had a

mandate to intervene and assist families identified as vulnerable effectively and in a timely fashion and to deliver prevention services, care support services, transition support services and youth justice services as and when appropriate. However, the Government was well aware that not all children in New Zealand required that level of oversight. The Ministry for Vulnerable Children, Oranga Tamariki, was also committed to removing the stigma attached to children who had failed academically, entered the juvenile justice system and who had lived in multiple care homes during their childhood.

67. **Mr. Wales** (New Zealand) said that the Government was familiar with the various national and international research projects documenting the ongoing impact of the Christchurch earthquake. As part of the Government's strategy to support the city's recovery, the Ministry of Education was providing additional training and support to the staff of schools attended by children who had been affected by the earthquake to enable them to deal with the problems experienced by those children more effectively.

68. **Mr. Tuohy** (New Zealand) said that another study conducted on the psychological well-being of children due to start primary school in Christchurch had pointed to a lower prevalence of emotional distress within that group, which partially contradicted the findings of the research project mentioned by Ms. Muhamad Shariff. The latter project had drawn on a much smaller pool of children hailing from the most affected parts of Christchurch. While the earthquake had undoubtedly taken a psychological toll on those affected by it, there was still some uncertainty over the number of children actually suffering from post-traumatic stress disorder. The Ministry of Health had assisted local health authorities in providing psychological support services to children and adolescents exhibiting anxiety and symptoms of post-traumatic stress disorder following the earthquake. In the absence of a consensus on the best way to treat post-traumatic stress disorder in children, the Government had devoted its efforts to educating and supporting their parents and teachers.

69. The Ministry of Health, acting through the Health Research Council, contracted the University of Otago to monitor the epidemiology and to conduct research on certain medical and social aspects of HIV and AIDS in New Zealand, which it published in an annual report. The University of Otago also had strong links with national and international organizations working in the area of HIV and AIDS.

70. **Mr. Coster** (New Zealand) said that New Zealand had ratified ILO Convention No. 182 and had adopted legislation to prevent children from engaging in work which, by its nature or the circumstances in which it was carried out, was likely to harm their health or safety. New Zealand had also adopted robust legislation to guarantee workplace health and safety and imposed severe penalties on employers who endangered the well-being of any person at work, including children. Under that legislation, no child could be expected to perform work for which they had not been trained or that was beyond their physical capacity. Labour inspectors conducted regular inspections of workplaces to ensure that they complied with the legislation on occupational safety and health in force.

71. New Zealand had not ratified the ILO Minimum Age Convention, 1973 (No. 138) on account of there being situations in which it could be appropriate or beneficial for young persons to perform paid work. The Government considered the legislation on occupational safety and health and minimum wages in force to afford young persons adequate protection and a decent wage for any work performed.

72. **Mr. Cardona Llorens** said that the delegation should explain the procedure for determining the age of unaccompanied minors and indicate whether it was the same as the procedure used to determine the age of potential victims of trafficking.

73. **Ms. Tolley** (New Zealand) said that, in the interests of accuracy, the Government would submit a written reply to that question within 48 hours.

74. **Mr. Madi** said that, while the Committee understood that the circumstances prevailing at the time had prevented New Zealand from ratifying the ILO Convention No. 138 in its entirety, the Committee would have hoped that, after a period of 23 years, it would have taken some steps towards withdrawing its reservations to the instrument. He urged the State party to give serious consideration to initiating that process in the near future.

75. **Ms. Aldoseri** said that the delegation was to be commended on its impeccable time management and on the richness of the explanations that it had provided on the system for the implementation of the Convention, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. She encouraged the State party to reflect on the comments made by Committee members regarding the Ministry for Vulnerable Children, Oranga Tamariki, and to consider ratifying the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. The Committee looked forward to receiving the State party's written replies within 48 hours of the end of the meeting.

76. **Ms. Tolley** (New Zealand) said that she was grateful to the members of the Committee for their willingness to engage in an interactive dialogue with the delegation of New Zealand, which had covered a wide range of significant issues concerning children. While the Government maintained that New Zealand was a highly desirable place in which to live and to raise children, it also recognized that a number of children still did not lead the lives that they deserved and was working to remedy that situation. She looked forward to receiving the Committee's concluding observations and recommendations.

The meeting rose at 5.30 p.m.